

2. It must either be still unpublished or have been published recently, i.e. in 1989 or 1990.
3. Authors who meet the above requirements may send their applications to **Mr. Paolo Bernasconi**, Chairman of the Commission of the Paul Reuter Fund, International Committee of the Red Cross,<sup>3</sup> as soon as possible and by *15 November 1990* at the latest.
4. Applications may be submitted in *English, French or Spanish*, and must include:
  - a brief curriculum vitae;
  - a list of the applicant's publications;
  - three unabridged copies of the work submitted to the Commission.

The Statutes of the Fund and the Regulations of the Paul Reuter Prize were published in the November-December 1983 issue of the *International Review of the Red Cross*.

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## **Fourteenth Round Table of the International Institute of Humanitarian Law**

**(San Remo, 12-16 September 1989)**

The Fourteenth Round Table on current problems of international humanitarian law (IHL), organized by the International Institute of Humanitarian Law (IIHL), took place in San Remo from 12 to 16 September 1989. The meeting was held under the auspices of the ICRC, the United Nations High Commissioner for Refugees, the Intergovernmental Committee for Migration and the League of Red Cross and Red Crescent Societies and was attended by some 150 participants, including representatives from some 15 National Red Cross and Red Crescent Societies, experts, representatives of permanent missions and members of NGOs.

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This fourteenth session was divided into three parts: one day was devoted to refugee problems, two days to the Red Cross and Red Crescent Symposium, whilst the Round Table proper spent two days discussing the rules of international humanitarian law governing the conduct of hostilities in non-international armed conflicts.

## 1. Refugee Day (12 September)

The meeting, chaired by Mr. Jean-Pierre Hocké, United Nations High Commissioner for Refugees, was devoted to the protection of refugees in non-international armed conflicts. The theme was introduced by Dr. Ghassan Arnaout, Director, UNHCR Division of Refugee Law and Doctrine, and was extensively discussed by a panel of 15 specialists, who examined a draft declaration on the protection of refugees, asylum seekers and displaced persons. The day ended with the adoption of this declaration, as follows:

### DECLARATION ON THE PROTECTION OF REFUGEES ASYLUM SEEKERS AND DISPLACED PERSONS

*Deeply concerned* about the plight of refugees and displaced persons,

*Recognizing* the necessity of applying humanitarian principles and securing the full observance of fundamental human rights in refugee situations,

*Commending* the office of the United Nations High Commissioner for Refugees for pursuing the development of international refugee law,

The participants of the 14th Round Table on the current problems of international humanitarian law, inspired by compelling humanitarian sentiments,

*Declare that:*

In situations not covered by international Conventions in force, refugees, asylum seekers and displaced persons are nevertheless protected by the general principles of international law, by the humanitarian practices of international organizations accepted by States, by the principle of humanity and by the rules on basic human rights.

## 2. The IIHL Round Table (13-14 September)

Within the context of the 125th anniversary of the original Geneva Convention, the San Remo Institute had selected a particularly topical issue for discussion, namely the *rules of international humanitarian law governing the conduct of hostilities in non-international armed conflicts*.

The Geneva Conventions and their Additional Protocols (Article 3 common to the Four Geneva Conventions and Protocol II) only touch briefly on the law governing the conduct of hostilities. The object of the Round Table was therefore to highlight the obligatory nature of some of the basic rules governing the conduct of hostilities in non-international armed conflicts and to examine the position of the law with regard to certain weapons whose use in international conflicts is strictly limited or prohibited by treaties.

An introductory report on the general rules and methods of combat in internal conflicts was given by Dr. Kosta Obradovic, Professor at the Belgrade Institute of International Politics and Economics, followed by a study presented by Dr. Horst Fischer from the Ruhr University, Bochum (FRG), on the limitation or prohibition of the use of certain weapons.

The participants were then divided into two working groups. The first group was chaired by Professor Dietrich Schindler, a member of the ICRC, assisted by Professor Obradovic, Professor Frits Kalshoven, Legal Adviser of the Netherlands Red Cross, and Ms. Denise Plattner, a member of the ICRC Legal Division. It discussed seven topics, namely the *principle of distinction between combatants and civilians, the ban on causing unnecessary suffering or superfluous injury, the ban on perfidy, the protection of medical personnel and units, chemical weapons, expanding bullets and poison*.

The second group was chaired by Professor L. R. Penna, of Singapore University, assisted by Dr. Horst Fischer, Professor Theodor Meron from New York University, and Ms. Louise Doswald-Beck, a member of the ICRC Legal Division. The issues covered included the *principle of immunity of the civilian population (i.e., the ban on acts intended to spread terror, indiscriminate attacks, incidental damage and the principle of proportionality), the protection of civilian property and objects (objects indispensable for survival), the protection of hospitals and safety zones and precautions in attack, mines, booby traps and other devices, and incendiary weapons*.

The extremely useful conclusions reached by both working groups at the end of their two-day sessions were presented by Mr. René Kosirnik, Head of the ICRC Legal Division. These conclusions affirm and/or reaffirm the customary and/or mandatory nature, pursuant to the general principles of IHL, of the following rules, which are applicable in all situations of armed conflict:

- the obligation to distinguish between civilians and combatants;
- the ban on attacking civilians or the civilian population;
- the ban on acts or threats intended to spread terror;
- the ban on indiscriminate attacks;
- the ban on perfidy;
- the ban on causing unnecessary suffering or superfluous injury;
- the ban on attacking or destroying objects indispensable for the survival of the civilian population;
- the ban on attacking buildings used only to house civilians;
- the obligation to take all necessary precautions in attack;
- the protection in all circumstances of medical personnel and medical units.

As regards the prohibition on using certain weapons, the following conclusions were adopted:

- *chemical weapons*: the ban on the use in any circumstances of poison gas is anchored in customary law (the issue of tear-gas or other gases such as “riot control” gas remains open);
- *mines, booby traps and incendiary weapons*: their use against civilians is prohibited, and they may not be employed in such a way as to strike without distinction;
- *expanding bullets (dumdum bullets)*: the ban proclaimed in 1899 is now part of customary law and applicable in all armed conflicts, but the question has not been settled as regards situations outside the scope of IHL;
- *poison*: the general ban on poison both as a method and a means of combat is part of customary law.

It should be emphasized that these extremely important conclusions were presented verbally and likewise received only verbal approval from the Round Table, which therefore decided that they would be set down in writing and submitted to the Council of the Institute for formal adoption at its spring session in 1990; they would then be published and their contents disseminated as widely as possible, because they con-

stituted an extremely useful means of ensuring the protection of human beings in non-international armed conflicts.

### 3. Red Cross and Red Crescent Symposium (15 and 16 September)

The central theme of the Symposium, which was chaired by Dr. Ahmad Abu-Goura, Chairman of the Standing Commission of the Red Cross and Red Crescent, was the *role of the National Red Cross and Red Crescent Societies in non-international armed conflicts*.

In his opening address, the President of the ICRC, Mr. Cornelio Sommaruga, said that the fact that the majority of today's conflicts had become internal and were taking an increasing toll of civilian victims had brought about a change in the activities of National Societies, which often had considerable difficulty in gaining access to all the victims requiring impartial humanitarian assistance. Experience had shown that there was a need for a neutral intermediary, namely the ICRC, capable of assuming responsibility for Red Cross action vis-à-vis both sides. Mr. Sommaruga also stressed the importance of unity within the Movement (mutual respect for each component's specific role and preservation of the Movement's positive image) and of co-ordination between its various components.

The ICRC President's speech was followed by presentations by representatives of the following National Societies: Colombia (Mr. Walter Cotte), Mozambique (Mrs. Janet Mondlane), Uganda (Mr. Peter Oryema), Netherlands (Mr. Peter Tjittes), Philippines (Ms. Lourdes Masing) and Sweden (Mr. Carl-Ivar Skarstedt). The speakers gave reports on the experience acquired by their respective Societies in one or several of the following fields: *medical work in times of internal conflict, activities as intermediaries between parties to a conflict, steps taken in the events of violations of fundamental guarantees, international activities of the Movement and the role of National Societies*. These various topics were then discussed by all the participants, divided into two working groups.

The first group, chaired by Mr. Fritz Wendl, Legal Adviser of the League, dealt with the following themes: *medical and other relief activities and international activities of the Movement*.

The rapporteurs were Mr. Thomas Klemp, Legal Adviser of the German Red Cross in the Federal Republic of Germany, and Mr. Ilkka Uusitalo, Deputy Secretary General of the Finnish Red Cross.

The second group, chaired by Mr. Yves Sandoz, Director, ICRC Department of Principles, Law and Relations with the Movement, covered the following topics: *Activities as intermediaries between*

*parties to a conflict and Steps to be taken in the event of violation of fundamental guarantees.*

The rapporteurs were Mr. Santiago Gil, Director of the Training Institute of the Spanish Red Cross, and Mr. Jean-Luc Blondel, Deputy Head, ICRC Division for Principles and Relations with the Movement.

Both groups noted that there was a definite gap between legislation and practice.

a) ***Medical and other relief activities*** — The working group reaffirmed the rule that a National Society's medical activities must be respected and protected in non-international armed conflicts. In practice, however, National Societies frequently found it extremely difficult to carry out their humanitarian duties in behalf of all the parties to a conflict. Conversely, from a legal standpoint it was questionable whether National Societies—unlike the ICRC—could act as intermediaries, whereas in practice a National Society might well have access to dissident armed forces and be trusted by them. In some cases the National Society of the country affected by the conflict might be more readily acceptable to the government than outside organizations such as the ICRC or a National Society from another country.

It was pointed out that the ICRC's unique status did not hinder the humanitarian activities of a National Society, provided that the Society worked in accordance with international humanitarian law and the fundamental principles of the Movement. On condition that assistance was offered to both sides in an internal conflict it seemed acceptable for a National Society to act on one side only, if its offer of medical assistance was not accepted by the other side. The principle of impartiality was violated only when a National Society deliberately confined its humanitarian work to one side.

b) ***International activities of the Movement*** — The participants clearly saw a need for an increased role for the National Societies in situations of internal conflict. The fact that in many instances National Societies had found themselves unable to take action was not due solely to political or legal constraints but was also because they did not have the necessary material or financial resources to carry out their tasks without external assistance from the ICRC and other National Societies.

In this connection it was suggested that the League, in its development programmes, should place greater emphasis on National Society preparedness to act in internal conflicts and on their task of encouraging their governments to implement international humanitarian law.

The ICRC's special role and position in affording protection were widely reaffirmed.

c) *Intermediaries between parties to a conflict* — The participants emphasized that in situations of non-international conflict, a National Society's function as an intermediary depended largely on the confidence and credibility it had established throughout the country.

In order to gain such confidence, a National Society must conduct extensive dissemination programmes in peacetime already, using methods adapted to all audiences and giving practical demonstrations; it must also ensure a selective recruitment and continued training of both permanent staff and volunteers.

Given the difficulties encountered by National Societies in situations of internal conflict, co-operation with the ICRC ensured that Red Cross work could carry on in areas and fields of activity where National Societies were unable to pursue their tasks.

Generally speaking, however, a clear distinction had to be drawn between the respective responsibilities and functions of the Movement's components, whose complementarity was stressed, and emphasis placed on co-operation, which was the only way of ensuring efficiency in Red Cross and Red Crescent action.

d) *Violations of the basic rules of international humanitarian law* — Although the Movement's priority was to assist conflict victims in the most practical possible way, this did not mean that it remained silent at all costs when faced with violations of the humanitarian rules. National Societies, as well as the ICRC, might decide to take steps, possibly even through public statements, to condemn such violations.

One of the Movement's essential duties, however, was to take preventive action in order to ensure compliance with the two most fundamental humanitarian rules, namely respect for human beings and their dignity. Hence the importance of National Society action to have these rules incorporated in national legislation, to launch educational programmes and help train members of the police, the armed forces and prison staff accordingly, and to keep the general public informed, for example, about torture and the means of combating it.

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The Round Table's final meeting was devoted to presentation of the conclusions reached by both working groups and the award to the

Swedish Red Cross of the Prize for the promotion, dissemination and teaching of international humanitarian law.

Several statutory meetings of the Institute were held in parallel with the Round Table, namely the Commission on International Humanitarian Law and Human Rights, chaired by Mr. Yves Sandoz, and the Council and General Assembly of the Institute, which re-elected Professor Jovica Patrnogic as President of the Institute and confirmed the election of the members of the Council for a further term.

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