

rules governing the identification of and communications with hospital ships and medical aircraft in wartime, while the latter attended as observers.

The meeting was opened by Mr. Cornelio Sommaruga, President of the ICRC, and chaired by Mr. Yves Sandoz, an ICRC Director. During their five days of deliberations, the experts made a detailed study of the provisions of Annex I and prepared the amendments they considered necessary to adapt them to modern means of warfare. In order to become law, the amendments will have to be adopted by a diplomatic conference.

Discussions focused on rules governing the use of the flashing blue light, the content of radio messages for the identification of medical ships and aircraft and the use of electronic means of identification such as radar transponders and underwater acoustic devices. The meeting took place in a most constructive atmosphere and was marked throughout by a desire for co-operation.

A final report will be drawn up by the ICRC and sent to the meeting's participants as well as to the other States party to Protocol I and those party only to the Geneva Conventions.

Following the meeting, the ICRC contacted the Swiss Federal Council, the depositary of the Geneva Conventions and their Additional Protocols. The Swiss Government has already indicated that it is prepared to convene a conference of the States party to Protocol I as provided for in Article 98, paragraph 2.

The ICRC has always done its utmost to update and develop international humanitarian law to keep pace with the realities of modern warfare. The recent meeting of technical experts is a further step in that direction.

*Gérald C. Cauderay*

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*WORKING FOR A HUMANITARIAN DIALOGUE*

**The International Institute of Humanitarian Law  
celebrates its twentieth anniversary**

On 26 September 1990, the International Institute of Humanitarian Law celebrated the twentieth anniversary of its founding. This is therefore a good time both to review the activities of what is commonly called the "San Remo Institute" and, in the light of what is thus revealed, to look to the future.

From 24 to 27 September 1970, a conference was held in San Remo, Italy, on the theme of "Human Rights as the Basis of International Humanitarian Law". It was attended by some 200 people, among them leading experts who had made major contributions to that body of law. One of the results of the conference was the San Remo Declaration, which created the San Remo Institute with the following objectives:

- (a) to disseminate, reaffirm and develop humanitarian law at the national and international level;
- (b) to encourage and develop all initiatives in order to implement an effective humanitarian law.\*

It was decided to locate the Institute in the Villa Nobel, where Alfred Nobel spent his last years and where he made the will by which he set up the foundation and prize bearing his name.

The Institute's founders were motivated by the many situations of humanitarian concern caused not only by armed conflicts — both international and internal — and by natural and industrial disasters, but also by ignorance, poverty, underdevelopment and intolerance. Though they realized that there were many organizations throughout the world engaged in all manner of humanitarian work, they knew that there were numerous problems which had not been dealt with judiciously by international law or were not covered by it at all. Such problems were so complex and far-reaching that a new approach with fresh initiatives was felt to be necessary. From the very first session of the 1970 conference, it became clear that one of the Institute's major roles would be to bring together individuals and organizations with very different backgrounds, objectives and areas of specialization but which were to varying degrees involved in humanitarian endeavours.

Once in operation, the Institute went straight to work, tackling the problems one after the other. It uses a variety of means and methods, organizing conferences, round-table discussions, meetings of experts, and courses and seminars, arranging for professional training and instruction, and for the publication of research work and studies.

Over the years, the Institute has carried out a series of specific programmes. It has become a forum for dialogue between diverse entities: States, intergovernmental and non-governmental international organizations, scientific, academic and specialized research institutions, and individuals interested in matters of humanitarian concern. The fostering of discussion is certainly the Institute's main function; it has acted as a catalyst for discourse between the components of the International Red Cross and Red Crescent

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\* Article 2 of the Institute's Statutes

Movement, different organizations in the United Nations system—in particular the High Commissioner for Refugees and the Human Rights Centre—the Council of Europe, the International Organization for Migration, Amnesty International, the International Commission of Jurists, the International Institute of Human Rights in Strasbourg, to name but a few.

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In its first 20 years of existence, the Institute has dealt with international humanitarian law, human rights law, refugee law, disaster-relief law, problems arising from population movements, and large-scale migration, the reuniting of divided families and all related subjects.

- The Institute has given constant close attention to *international humanitarian law* in the broadest sense of the term. This body of law is too often unknown or misunderstood by those whose duty it is to implement it, and it requires continual development to ensure its effectiveness in meeting ever-changing needs. The ICRC, the League and the National Societies have, it is true, conducted dissemination programmes over the years, but their efforts require support, and the Institute has worked impartially to promote knowledge of humanitarian law among all the world's armed forces, with particular attention to countries with inadequate dissemination programmes.

Thus far, the Institute has organized 32 courses on the law of armed conflicts for military officers from all regions of the world. These programmes are adapted to the needs of unit commanders and their troops and are designed to be reproduced within the individual armed forces. Promoting knowledge of humanitarian law among military personnel is one of the most acute needs in the area of dissemination and the Geneva Conventions and their Additional Protocol I attach particular importance to this. These courses are conducted with the close co-operation and constant support of the ICRC.

- The Institute has also worked to promote knowledge of *refugee law*. Although the 1951 Convention relating to the Status of Refugees does not oblige the participating States to ensure that its provisions are widely known, it is obvious that the national authorities responsible for refugees must have a good understanding of the law in force if it is to be properly implemented in specific cases.

Working closely with the UN High Commissioner for Refugees, the Institute has organized courses on refugee law both for government officials in charge of its implementation in their country and for lawyers involved in refugee cases.

- To be effective, *human rights law* must also be widely known. Much is done by the United Nations and other organizations to achieve this, but the task is so great that contributions from other quarters are welcome. Thus, in conjunction with the UN Human Rights Center, the Institute has organized courses for government officials responsible for implementing human rights instruments.

The three examples above show how the Institute helps to meet the need for more widespread knowledge. Demand for its courses has grown constantly as governments and international organizations have come to see how the Institute can help them to meet their obligations to promote better understanding of these branches of law.

- The Institute also promotes knowledge in these areas through its *conferences, publications and research*, looking more deeply into certain aspects of law and seeking ways of overcoming obstacles to dissemination. The Institute organizes round tables, seminars and commissions of experts to study methods and means of warfare, limitations on the use of certain weapons, the implementation of basic rules in the event of internal conflict and of international humanitarian law in UN peace-keeping operations, protected zones, guerrilla warfare, population movements, protection for children, the definition of a refugee, large-scale influxes of refugees, etc.

Special attention has been given to the implementation of humanitarian law, in particular the role of legal advisers, national measures of implementation, the International Fact-Finding Commission and States' obligation to ensure respect for humanitarian treaties.

The Institute has always striven to have humanitarian law and humanitarian action considered together at the international, regional and local levels. It has particularly endeavoured to have dissemination adapted to regional conditions and to have the principles and rules of international humanitarian law incorporated into national legislation. To this end, it has organized annual regional meetings for east European, Arab and Asian countries. These meetings have done much to spread knowledge of humanitarian and human rights law.

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The Institute has also endeavoured to promote *development*, i.e. the process of reviewing, bringing up to date and otherwise adapting the law to meet new needs. This has proved particularly necessary for the implementation of international humanitarian law, an area where existing mechanisms have needed improvement or replacement. During the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law

applicable in Armed Conflicts (1974 to 1977), the Institute organized annual round tables, between sessions of the Conference, at which those taking part in the Conference and others informally discussed the main issues and the means of resolving them. The ICRC gave its full support to this forum.

Another example of developing the law is the adoption of rules governing the reuniting of families. No such rules had existed but they are now widely applied. Likewise, the 1989 declaration protecting refugees in cases to which existing instruments do not apply constitutes a sort of "Martens clause" for refugees.

The Institute also took the initiative to study issues of humanitarian law in war at sea.

The Institute has sponsored publications dealing with all these aspects of the law's interpretation, implementation and development.

From its very inception, the Institute has given great attention to the relationship between international humanitarian law, human rights law, refugee law and other related areas. It has carried out studies on the way codified law relates to customary law, for example certain provisions of Additional Protocol I which may be considered as customary law and by which all States—not only those party to the Protocol—are consequently bound.

To mark the International Year of Peace in 1976, the Institute organized a conference on Peace and Humanitarian Actions. For the first time, law and practice in this area received close scrutiny. The conference showed that many different organizations and governments were deeply involved in humanitarian work though their efforts were not always properly co-ordinated.

Another conference in 1980 dealt with the problem of international solidarity. The participants related their experiences and concluded that it was necessary to ensure more complete implementation of humanitarian rules.

For all its activities, which are undertaken with strict impartiality, the Institute maintains very close relations with the Movement, all of whose components are active in their support and participation. This is only natural as the Movement, which is oriented towards humanitarian action, and the Institute, an independent body, work for the same cause. Support from the ICRC and the rest of the Movement has been vital to the Institute for its achievements in its first 20 years.

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Although it works closely with many States and organizations, the Institute has always maintained its independence as a body promoting scholarly work and its outside relations have always been marked by open-minded and frank discussion. Those who take part in the Institute's activities have always

recognized and appreciated the need for a place where ideas can be freely expressed in a humanitarian dialogue.

One of the Institute's guiding principles has always been the voluntary nature of participation in its activities. But it has never had any real difficulty in attracting people whose goal it is to serve mankind and the cause of humanity. Their keen sense of service, their knowledge and experience, their background and mandate, have all contributed to the Institute's success.

It is not always easy to assess the results of the Institute's work. Some are immediately apparent, others indirect, and others still manifest themselves only over time as they are connected with the results of efforts made by other organizations.

Over the past two decades, many matters of humanitarian concern which had been neglected or even forgotten have been brought to the attention of those who can do something about them. A number of different approaches to problems have been used and new principles and rules have been developed. By maintaining constant contact between the institutions and persons concerned by humanitarian endeavour, the Institute has been a moving force in bringing about new developments in the sphere of humanitarian law and action. It is this unique *humanitarian dialogue* which has made these developments possible and thus contributed to human progress. The dialogue must continue, especially in view of the ever-mounting problems throughout the world.

The reputation which the Institute has acquired over the years, the principles on which it has always based its work and the positive response to so many of its initiatives constitute the best guarantee for its future.

The San Remo Institute has fully met the expectations of those who created it and it hopes to carry on as long as there are problems requiring concerted action by all those in a position to solve them.

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