

New aspects of international humanitarian law

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The International Institute of Humanitarian Law in San Remo held its fourth Round Table on Present Problems of International Humanitarian Law from 30 August to 4 September 1977.

The meeting was opened by Mr. Jean Pictet, Vice-President of the International Committee of the Red Cross; some extracts from his address are given below.

On 10 June 1977, an event of far-reaching importance took place: the plenipotentiaries of a hundred States approved and initialled the text of two Protocols additional to the Geneva Conventions. This was a memorable date, for the representatives of a majority of nations from all corners of the earth, men who in our troubled times do not often find it easy to come to agreement, set their stamp to a document which I would not hesitate to call a Charter for Mankind. This Charter constitutes a significant step forward in the evolution of a movement whose aims from its inception have been to ensure respect, protection and humane treatment for all those who are not able to fight.

We have now added some 150 new provisions to the 450 articles of law which were already in existence. It is an achievement comparable to the recasting of the Geneva Conventions in 1949. This time, there was no mention of revision. The declared purpose of the Conference was to "reaffirm and develop" humanitarian law, and that was indeed what

the Conference did, for what was necessary was to adapt the law in force to the conditions of modern conflicts. It should be recognized, all the same, that on certain points — in particular the protection of the civilian population against bombing attacks — changes have been introduced in the law as it stood, rules governed by custom have been codified and even new norms have been created.

The Geneva Conventions, in their improved form, now contain 600 articles, an imposing monument of law representing the fullest and newest expression of the rules affecting the human person in the event of armed conflict. This body of law may be considered to stand for the very ideal of the Red Cross; for the whole movement, as much for the National Societies as for its international organs, it is a splendid working instrument, contributing moreover to the spread of the spirit of mutual assistance and of peace among the nations.

I would like to hail the important part played by the Third World in the Conference. It can no longer be said that humanitarian law was enacted by Europeans for Europeans. It is progressing thus not only towards universality in its outward form, but towards a genuine, deep-rooted universality, built on solidarity. It is significant that nearly all the articles in both Protocols were adopted by consensus without having been put to a vote, which unquestionably is a quite remarkable thing.

There is still much to be done to make sure that the results achieved by the Conference take full effect and bear the most fruit.

We must remember, first of all, that the Protocols have not yet come into force. Only the process of legislation has been completed so far, but the Conference, in fact, decided on a six-month moratorium before any signatures would be accepted. When at least two States have ratified the Protocols, a further six-month period will elapse before they come into force. From that time on, the Protocols will be applicable.

The primary task, therefore, is to encourage signatures, ratification and accession, to ensure that these new additions to humanitarian law become universal, a condition that has always been, for the law of Geneva, essential to its strength and authority. Each and every individual and body in what I would call the “humanitarian world” should combine to promote rapid signature and ratification of the Protocols.

Parallel with these efforts, and equally important, is the work of spreading knowledge of the texts. These rules of civilized and humane conduct worked out in Geneva would be in danger of being lost to the

world if they remained in obscurity. If they are to have full effect, their maximum impact, they must be known to everyone: their application must flow from natural and automatic reflexes, they must form an integral part of customary behaviour. In this context, I would like to mention a historic precedent which may be instructive. During the war of 1870, the first Geneva Convention remained so little known that it was not applied; when peace was made, there was serious talk of annulling the Convention and abolishing the Red Cross. And this arose because of lack of knowledge of the Convention.

The texts adopted this year by the Diplomatic Conference are often subtle and complex: there is a need for them to be explained, summarized and made known among all people throughout the world. The ICRC has decided to produce a comprehensive article-by-article Commentary on the two Protocols, as it did for the 1949 Conventions. It will also publish teaching manuals and organize seminars on the subject.

The present Round Table has on its agenda a draft summary of the fundamental principles of humanitarian law. There is no doubt that it would be one of the best ways to make known the substance of this law in the armed forces and among large numbers of the population.

It remains for me to hope that the discussions at this Round Table will be, as in past years, of great value to the common cause which we serve and to which we are devoted. This cause I cannot describe better than by quoting, in conclusion, the words of the great philosopher Louis Pasteur:

There are today two opposing laws: a law of blood and death, which daily invents new methods of combat and thus forces nations to be ever ready for the field of battle, and a law of peace, of labour, of salvation, which aims only at delivering mankind from the evils by which it is assailed.

One law seeks only violent conquest, the other, the relief of human suffering. The one jeopardizes thousands of lives for the sake of one man's ambition, the other places a single human life above all the military victories ever won.

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