

Ways to ensure better protection for both civilians and combatants

To its credit the International Committee of the Red Cross (ICRC) was among the first to realize the inherent inadequacies of the Geneva Conventions. In October 1965, the twentieth International Conference of the Red Cross adopted a formal declaration, the Vienna Declaration, on the protection of civilian populations against the dangers of indiscriminate warfare. Some of those who attended this historic meeting in the Hofburg suggested that the ICRC should develop and present to states new proposals intended not to replace the Geneva Conventions but to elaborate and supplement them as necessary.

In a parallel and closely related manner, the International Conference of Human Rights held in Tehran in 1968, 20 years after the universal adoption of the Declaration on Human Rights, drew to the attention of the organs of the United Nations the steps that could be taken to secure the better application of existing humanitarian conventions and rules in all armed conflicts, and the need for additional legal instruments to ensure better protection for civilians, prisoners and combatants and the limitation of the use of certain means of warfare. The United Nations General Assembly gave effect to the Tehran resolution by inviting the Secretary-General to undertake related studies, by deciding to examine the problems arising in this field at each of its regular sessions, and by noting with appreciation the work of the ICRC.

In September 1969, added impetus was provided by the twenty-first International Conference of the Red Cross, held at Istanbul, where the ICRC tabled a report entitled *Reaffirmation and Development of the Laws and Customs Applicable in Armed Conflicts*, covering not only weapons of mass destruction but also the problems inherent in contemporary forms of conventional and guerrilla warfare and non-international armed conflicts.

Canada's initiatives

The Canadian delegation at Istanbul took several successful initiatives. It co-sponsored, with the Norwegian delegation, the Declaration of Principles in Disaster Situations, subsequently adopted with no opposing votes, which affirmed mankind's concern for all forms of human suffering, recognized the need for effective international relief to civilian victims and declared six important principles. These dealt with the protection of the individual

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and safeguarding of basic human rights; the non-political and humanitarian nature of relief to civilian populations; the necessity for the effective co-ordination of international action; the provision of relief on a non-discriminatory basis, which should never be regarded as an unfriendly act; the facilitation by states of the admission, transit and distribution of relief supplies; and similar facilitation by other authorities.

In company with the Swedish delegation, the Canadian delegation also drafted a resolution requesting the ICRC to: (a) propose as soon as possible concrete rules to supplement existing humanitarian law; (b) invite governmental Red Cross and other experts, representing the world's principal legal and social systems, to meet with the ICRC for this purpose; (c) submit these proposals to governments for comment; and (d), if desirable, recommend the convening of diplomatic conferences of states that are parties to the Geneva Conventions and other interested states, to elaborate international legal instruments incorporating these proposals. The delegation also co-sponsored a resolution requesting the ICRC, with the co-operation of governmental experts, to devote special attention to the subject of non-international armed conflicts given the unfortunate fact that since 1949 this type of armed conflict has been increasing and has caused much suffering.

Convinced that a definite trend had been established favouring the development of conventional humanitarian law to cover all armed conflicts, the ICRC immediately began working toward a diplomatic conference to adopt new instruments of a legally-binding character supplementary to the Geneva Conventions and the even more dated Hague Conventions codifying international legal rules governing combat operations.

It was apparent that such a conference would require careful preparation. Accordingly, encouraged by the United Nations Secretary-General, the ICRC in May 1971 convened in Geneva the first Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to provide informed advice on the various issues involved. Thirty-nine governments provided delegations composed of some 200 diplomatic, legal, military and medical experts. The ICRC, with pre-conference assistance from a number of national Red Cross societies, prepared extensive background documentation on such subjects as: measures intended to reinforce the implementation of