between great powers. Such incidents have often taken the form of struggles for self-determination or have occurred between rival groups seeking governmental control while refusing to admit that they have been fighting a civil war. Because of this tendency to violence, which has existed from time immemorial, attempts have been made to lay down rules for the conduct of war, especially for the protection of those not directly involved, and also with the aim, so far as possible, of "humanizing" the actual conduct of warfare with a view to the exclusion of "unnecessary suffering". While it is somewhat contradictory to talk of rules for conducting an operation that is, in fact, illegal, it nevertheless remains true that international law contains a wealth of such rules to apply when armed conflict actually occurs.

For the most part, these rules are to be found in what are sometimes referred to as the Hague Law and the Geneva Law. The Hague Law comprises a series of conventions drawn up at the Hague Peace Conferences of 1899 and 1907, notably Convention IV of 1907 relating to the conduct of warfare on land – all of which may be considered as the code of conduct regulating the actual waging of war. The Geneva Law, on the other hand, which has been prepared largely under the auspices of the International Committee of the Red Cross, is primarily concerned with the welfare of those who are not involved in the fighting, whether as non-combatants, prisoners of war, medical and religious officials, and the like. The most important series of conventions drawn up for this purpose were those of 1929 relating to the Red Cross itself and to prisoners of war and the wounded and shipwrecked, together with those of 1949 seeking to bring the 1929 code up to date in the light of what had occurred between 1929 and 1945, with the innovation of a special convention relating to civilians in occupied territory.

While it may be true that generals spend much of their time planning to fight the next war according to the strategy and tactics of the last one, it is the case with the law governing humanitarian war that the International Committee of the Red Cross seeks to amend it to apply in the next armed conflict in the light of the deficiencies that became clear in the one recently terminated. This was true of both 1929 and 1949, but such conflicts as those that occurred in Korea and Vietnam, with the introduction, for example, of the air-ambulance, showed that the law as established at Geneva was not adequate in modern conflicts. Moreover, both these wars, together with the struggles taking place in connection with the winds of change in colonial territories, made it clear that the whole conspectus of the international law of war would have to change, for modern contestants were as often as not entities other than states and the conflicts in which they were engaged could hardly be described as international wars in the usual sense. In addition, it became clear that modern conflicts, being so highly ideological or political in character, were fought with a bitterness and barbarism that was rarely encountered in ordinary warfare. It was, therefore, realized that some effort would have to be made to introduce a system of law that might contribute to a reduction of the terror associated with such conflicts. With these ends in view, the International Committee of the Red Cross initiated, from 1971 on, a series of meetings of experts, and eventually produced draft documents for consideration at a diplomatic conference devoted to the development and codification of humanitarian law in armed conflict.

Red Cross initiated meetings of experts

First session

The first session of this diplomatic conference met in 1974 and concluded its activities in June 1977. Two draft protocols intended to expand the 1949 law were presented, the first dealing with international conflicts and the second, in the promotion of which Canadian representatives played a major role, introducing a new law for non-international conflicts. The very fact that an international conference made up of state representatives was prepared to deal with the latter, traditionally a matter exclusively of internal domestic jurisdiction, was itself a major breakthrough. Perhaps the next most-significant fact was the decision at the first session of the conference to recognize certain struggles of self-determination as international conflicts and, concomitant with this, to allow the representatives of national liberation movements (the one that played a significant role was the Palestine Liberation Organization) to attend and participate as observers, with all the rights of full participants save that of

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