

At the Second ICRC Conference Commission II, which as at the First Conference was chaired by a Canadian expert, reviewed the second draft protocol dealing with non-international armed conflicts. Although the necessity for developing common Article 3 of the 1949 Geneva Conventions was largely accepted by the experts, the question of whether this should be done in a separate second protocol was discussed actively. Some declared that the victims of international and non-international armed conflicts should be equally protected by a single protocol, but most believed that the nature, conditions and fundamental differences of non-international conflicts necessitated separate treatment. It was generally agreed that whenever possible the language of the two protocols should be similar.

The second draft protocol was defined to apply to all situations where hostilities of a collective nature occurred between "organized armed forces under the command of a responsible authority". As at the First Conference, experts differed over whether the application of the protocol should cover internal armed conflicts of relatively low intensity, or should be limited to conflicts of high intensity where both parties, including the rebels, have at least quasi-governmental authority, control of some territory and the capacity to abide by the protocol. Some experts considered that "wars of national liberation" were international in nature and thus to be excluded from the second protocol and treated differently from conflicts of secession or dismemberment of a territory.

Practically all experts agreed on the need to provide captured combatants with elements of humane treatment not now provided for in common Article 3. Although some favoured the granting of prisoner of war status, as in the Third Geneva Convention, to guerrilla fighters and other persons meeting certain minimum requirements, most favoured the more basic treatment extended to civilians deprived of their freedom for acts connected with the conflict. Some experts favoured the abolition of the death penalty for combatants who had respected the essential provisions of the laws of armed conflict. Others considered that the execution of combatants should simply be suspended until the termination of hostilities in the expectation that a general amnesty would then be granted.

Although many outstanding points remain to be resolved, considerable progress was registered at the Second ICRC Conference in further identifying and clarifying the main issues. On the basis of the work of the Second Conference and consideration of this subject in the Sixth (Legal) Committee at the 1972 session of the U.N. General Assembly, the ICRC intends to revise its two draft protocols by the end of the spring of 1973 and to distribute them to States Parties to the 1949 Geneva Conventions. The Swiss Government, in collaboration with the ICRC, intends to convene a diplomatic conference in Geneva in the spring of 1974 which, it is hoped, will adopt final versions of the two protocols.

(b) Draft Convention on Protection of Journalists

For the past two years, spearheaded by France, the U.N. General Assembly's Commission on Human Rights and Third Committee have been elaborating a Draft Convention on the Protection of Journalists Engaged in Dangerous Professional Missions in Areas of Armed Conflict. Under the Draft Convention the U.N. Secretary-General would appoint a 9-member International Professional Committee to make regulations concerning the issuance and withdrawal of identity cards to journalists engaged in dangerous missions. These cards