

Participants at the second session dealt also with the more general issue of whether draft Protocol II should contain only limited basic humanitarian provisions or contain more complex provisions which would have the effect of greatly narrowing the scope for its application.

The Canadian view has always been that Protocol II should be as wide as possible in scope and to that effect contain a limited number of basic provisions which could be applied to most non-international armed conflicts. The adoption by consensus at the last session of Article I of draft Protocol II concerning the Material Field of Application of the Protocol, contains a provision to the effect that the "rebel party" must exercise such control over part of the territory as to enable it to implement the present Protocol. This provision is probably unique in international law since it entails that the obligations contained in the Protocol will govern the threshold of its application. It also means, however, that if the provisions outlined are too complex, they would be inapplicable to a large number of non-international conflicts. It is thus particularly important for the Canadian Delegation to gather support at the Conference for its objective of a low-threshold, wider-scope Protocol II.

The Diplomatic conference should complete its consideration of the two draft Protocols as its third session in the spring of 1976 and despite doubts expressed earlier by the developing countries in particular about the whole concept of additional Protocol II, it now seems fairly certain that both Protocols will eventually be adopted by the required majority.