

target-area bombardment.

The experts did agree that children under 15 years of age should not be employed in any way in military operations.

Finally, the commission discussed the protection of journalists engaged in dangerous missions, a topic considered by various UN agencies and the General Assembly's Third Committee during the past two years and submitted for comment to the conference by the Secretary-General. Some experts expressed concern that a multiplicity of categories of protected persons might weaken the general protection due to the civilian population, but most accepted that if the majority of states favoured such special protection, suitable rules should be drafted.

Implementation phase

Commission IV was asked to consider the preamble to the first protocol, the general provisions, including those relating to the implementation of its provisions, and the final clauses. It also examined a possible draft resolution on disarmament and a draft declaration on the application of international humanitarian law in armed struggles for self-determination. The commission took some indicative votes.

Most experts considered that it was necessary to reinforce the international machinery designed to assure and facilitate impartial supervision of the implementation of the Geneva Conventions. The commission established a special working group to achieve a composite text on the appointment of protecting powers (i.e. states, not involved in the conflict, responsible for representing the interests of belligerents in the territories of adversaries, and for supervising the application of the Geneva Conventions) and their substitutes. The final text approved by the commission included provisions for the exchange of lists of prospective Protecting Powers, the setting of time-limits for the choice of a Protecting Power, and, ultimately, the obligatory acceptance of the ICRC as a substitute.

On the basis of the alternatives presented by another working group, the commission decided that the protocol should apply from the commencement of any armed conflict, as well as in all cases of partial or total occupation, and that it should cease at the close of military operations or the termination of occupation, with protected persons continuing to be protected until their release or repatriation.

The commission also dealt with provisions on penal sanctions. There was clear support for the inclusion of an article al-

lowing a subordinate to refuse to obey an order that would entail the commission of a grave breach of the Geneva Conventions or the protocols. Most experts also favoured including an article obliging member states to provide adequate sanctions for such breaches.

The commission voted to omit from the protocol any provision indicating when reprisals were permissible. In fact, the majority of experts supported forbidding any reprisals against persons and property protected by the protocol (a proposal of far-reaching effect — in the final analysis, it may be wiser to leave the question of reprisals unanswered).

In the examination of the final clauses, the experts tended to support the inclusion of an article prohibiting reservations. Opinions were divided on whether this should apply to all of the protocol or just to the provisions relating to supervision.

Debate on self-determination

The commission's consideration of the draft declaration on self-determination sparked a highly political debate. Several experts opposed the declaration since the subject matter was beyond the scope of the protocol, while others strongly favoured including in the protocol provisions on wars of national liberation. By a large majority, however, the commission decided not to include an article stating that wars of national liberation should be regarded as international conflicts. The commission's debate on a possible disarmament resolution proved far less decisive and was without significant result.

The work of the four commissions and the conference on the ICRC's two draft protocols, while less than optimal, represents considerable progress in the further identification and clarification of the main issues by a far larger number of experts than at the first conference. On a number of important points, it was possible to attain a measure of *rapprochement*, if not complete agreement. For example, progress additional to that at the first conference was made on the protection of the wounded and sick and on the articles on medical aircraft. The extent of similar protection in non-international armed conflicts was further developed, even if the problem of the status of rebels remained unresolved, and progress was registered during consideration of the implementation of existing law.

The ICRC, as indicated by the rules of the conference, never expected more than informal and non-binding advice on how the draft protocols might be improved in preparation for a diplomatic confer-

Protocol to apply from beginning of armed conflict or total occupation