

the expectation that a general amnesty would then be granted.

Commission II also considered the effectiveness and supervision of relief operations in non-international conflicts in the light of the ICRC's desire to eliminate the lacunae existing under common Article 3 by including in the draft protocol provisions to facilitate humanitarian assistance and support and strengthen the activities of national Red Cross societies and other relief agencies. Most experts considered that the ICRC draft articles were excellent, but some, with an eye to balancing the security requirements of the parties to the conflict and the humanitarian requirements of its victims, advocated the reinforcement of the obligations in the protocol rather than reservations limiting its scope. Others were apprehensive that humanitarian assistance in the form of outside relief might, in some instances, constitute interference in a state's internal affairs.

When rules of a humanitarian character in relation to international conflicts were proposed and discussed in greater detail in the other commissions, there was relatively little difference of view on such subjects as protection of the wounded and sick and of the civilian population as a whole.

Provisions on combatants

Commission III dealt principally with the provisions on combatants and protection of the civilian population contained in Parts III and IV of the first protocol on international armed conflicts. The vast number of proposals submitted necessitated the establishment of a co-ordinating committee to evaluate amendments to certain articles.

The two most contentious subjects concerning combatants were the means of combat and guerrilla warfare. Some experts, notably those from Sweden, strongly advocated that the prohibition in the 1907 Hague Regulations against weapons causing unnecessary suffering should be expanded in the protocol by including a list of specific weapons causing indiscriminate damage (e.g. delayed action, incendiary and fragmentation bombs), rather than by resorting to the more subjective standard advanced by the ICRC of forbidding "particularly cruel methods and means" of using such weapons. Later in plenary, several experts proposed that the ICRC convene a special group of specialists to examine the effects of these particular conventional weapons with a view to their prohibition or limitation.

As in Commission II, the experts in

Commission III expressed differing opinions on the entitlement of irregular combatants, such as guerrilla fighters, to be treated as prisoners of war. Although almost all agreed that the relative provisions of the Geneva Conventions should be liberalized and made more flexible, there was considerable disagreement over how far to go in this direction. On the one hand, some insisted that, to become eligible for such treatment, irregulars must be distinguishable from the civilian population by carrying their arms openly or, as suggested by the ICRC, by wearing a distinctive sign. On the other hand, a few experts stated that it would be more realistic to treat all combatants as prisoners of war when rendered *hors de combat*.

The commission also tried to define rules on perfidy, use of flags of truce, conditions of capture and surrender (including flyers in distress), and the treatment of members of armed forces on independent missions.

Protection of civilians

The other major area of concern to the commission was the protection of the civilian population against the dangers of hostilities. The Geneva Conventions protect civilians only against arbitrary action by the enemy authorities in whose power they happen to be, whereas the articles of the ICRC draft protocol prohibited attack against individual civilians or the civilian population, and restricted military activities if the probable injury to the civilian population was likely to be disproportionate to the anticipated military advantage. Not surprisingly, experts concentrated on the definition of such key terms as civilian population, civilian objects and military objectives, but after prolonged discussion little or no consensus emerged.

For instance, some argued for a broad category of objects indispensable to civilian survival or containing dangerous forces (e.g. dams and dikes) and for their absolute immunity from attack, whereas others spoke of the increasing difficulty in armed-conflict situations of separating military and civilian objectives and activities. Consequently, while the experts reaffirmed that the civilian population should not be the object of attack, they disagreed about what protection should be given to civilians indirectly exposed to danger by being in the vicinity of military objectives. This disagreement highlighted the difficulty of introducing rules of combat into a Geneva (humanitarian) context with the result that it was hard to reach consensus. For example, no consensus was reached on the ICRC proposal to prohibit

Little consensus on the definition of military goals, civilian population