tection has been given them by special arrangement, for there must be some means of identification.

In addition to these and similar provisions, Protocol I also contains detailed technical stipulations concerning the identification of medical units and their aircraft and transport vehicles. Likewise, more explicit requirements than hitherto are laid down relating to the conditions of internment of civilians and their rights and protection, particularly in order to ensure full respect for the rule of law and the application of proper judicial guarantees should trials prove necessary. At the same time, an attempt has been made to minimize the possibility of unwitting breaches of the law by military commanders. Too often in the past it has been possible for such an official to contend that he did not know what the law was or that it was doubtful. Now, however, parties to the protocol are required to appoint properly-qualified legal advisers whose task it will be to advise and warn the commanders to whom they are attached of the potential illegality of any proposed line of action. In addition, parties are made liable to disseminate the provisions of the Geneva Conventions and the protocol among both their armed forces and their civilian populations – the latter provision is modified to preserve the position of a federal state in which education may be the sole competence of a local government unit, an amendment that was adopted at the instance of Canada. Not only will the commander no longer be able to say he was unaware of the law but his liability for the acts of his subordinates has now been clearly embodied in an international instrument. On the other hand, largely as a result of Third World fears that such a provision was likely to militate against the preservation of military discipline and justify disobedience, a provision referring to superior orders and making it clear that only lawful orders were to be obeyed was omitted from the final text. This led Canada and others to state that such an omission in no way affected the customary law with regard to the non-availability of a defence of superior orders against a charge of violation of the laws of war.

Investigating violations

Canada was among those states that were in favour of a completely new departure in humanitarian war law. It had been proposed that there should be a permanent and compulsory inquiry mechanism to investigate allegations of serious violations of the law, even though it was realized that any on-the-spot investigation would require the permission, if not the active co-operation, of the party accused of such breaches. This proposal encountered much opposition from the socialist states, as well as some of the developing countries, most of whose objections involved the contention that investigations of the kind proposed were invasions of sovereignty and were amenable to propagandist abuse. Ultimately, it was agreed that a body should be set up on a voluntary basis in the hope that some states at least would be prepared to recognize its authority as compulsory.

Protecting-power arrangements extended

A further development, and one that again received Canadian support, concerned an extension of existing arrangements with regard to the appointment and acceptance of a protecting power. It has long been recognized that, when armed conflict breaks out and diplomatic relations between the parties are severed, some measure of normal intercourse and representation must continue. The method in the past has been for belligerents mutually to agree upon a neutral state to represent them *vis-à-vis* the "adverse party" – the currently-accepted term for enemy. Now an attempt has been made to ensure that such a protecting agency is available immediately from the outbreak of the conflict. If no power has been designated at the beginning of a conflict, the International Committee of the Red Cross, or any other impartial humanitarian organization (it was, in fact, somewhat distressing to note the extent to which the International Committee was distrusted by or unpopular with a large number of states participating in the conference), is instructed to offer its good offices with a view to the designation of a protecting power, and it is now provided that, if, after a specified period, no agreement on such designation is possible, the International Committee or other organization concerned may act as a substitute, with all the rights and duties normally belonging to a protecting power.

So far as Protocol II is concerned, political doubts, fears and hesitancies were probably even more apparent than was the case with Protocol I. Since this protocol deals with non-international conflicts, all the susceptibilities of sovereignty and the desire, particularly of the new states, to protect one's independence against outside interference are directly involved. Even though such outside interference is expressly forbidden, it is perhaps not surprising that many countries, especially those that might be regarded as most