

Protocol containing 102 articles, the second 28. These provisions will not be discussed in detail here as a full explanation of the modifications in the law would require an extensive comparison of the Protocols with the texts of the Geneva Conventions.

#### Political Considerations

Of those provisions which reflect changes in current thinking on international armed conflict, one of the most important is that which categorizes struggles for national liberation and self-determination as international conflicts. This follows a decision of the Conference, at its first session, to allow liberation movements to participate as observers and was also reflected in a subsequent decision to allow them to sign the Final Act. Further, the Protocol also revises the concept of combatants and broadens it to include what could be described as guerilla fighters. The requirements for such fighters to distinguish themselves from the civilian population and retain combatant status are minimal and were the subject of contentious debate at the fourth session.

Another innovative provision and one strongly advocated by the African delegations is one which denies mercenaries combatant or prisoner of war status, thus permitting their prosecution as war criminals. It should be noted, however, that the concept of the mercenary has been extremely limited and is defined in terms of six criteria which must be taken cumulatively in order for the provision to apply.

These provisions, as well as an earlier decision to include the practice of apartheid as a grave breach of the Protocol, indicate the extent to which the law of armed conflict has been affected by the current concerns of many of the developing countries.

#### Humanitarian Considerations: the Extension of Protection

Other significant changes relate to the definition of perfidy, inclusion of legal advisers in military units, the obligation to disseminate the Conventions and protocols within the armed forces and the civilian population, the responsibility of a commander for the acts of his subordinates, provision for the designation of protecting powers, (or allowing the ICRC to act as a substitute if no protecting power is so designated) and the establishment of a (voluntary) Fact-Finding Commission to look into alleged grave breaches of the Protocol or Conventions. On this