

existing law; protection of the civilian population against dangers of hostilities; rules relative to behaviour of combatants; protection of victims of non-international armed conflicts; rules applicable in guerilla warfare; and protection of the wounded and sick.

### **Basic standard**

The Canadian delegation vigorously promoted the view that, building upon common Article 3 of the 1949 Geneva Conventions, there should be a basic minimum standard of humanitarian treatment applied in all armed-conflict situations, whether these were characterized as "international" or "non-international". The Canadian experts presented a draft protocol embodying this concept in which an encouraging number of other experts expressed interest.

Considering that the prime purpose of the conference was to discuss the intricate issues involved in an informal and non-binding manner and not necessarily to achieve any conclusions or solutions, the results of the conference, as reflected in the reports of its four commissions, provided a useful insight into government thinking of sufficient value to warrant the subsequent decision by the ICRC to organize another such gathering one year later and to invite all states that are parties to the 1949 Geneva conventions to submit concrete proposals in the form of draft texts.

As a result, the ICRC convened a meeting of more than 460 experts from 76 states (including Canadian experts from the Department of External Affairs, Department of National Defence, and University of Western Ontario Faculty of Law), together with observers from the United Nations and from non-governmental organizations, in Geneva from May 3 to June 3, 1972, to consider two draft protocols, and accompanying commentaries, to the Geneva Conventions — one, concerning international armed conflicts, and the other, as proposed by Canada at the first conference, concerning armed conflicts not of an international character. A preparatory meeting of national Red Cross experts was held in Vienna in March.

As at the first conference, there were two days of plenary meetings and general debate, followed by the organization of the experts into four commissions and two sub-commissions. Commission I considered the protection of the wounded, sick and shipwrecked in international armed conflicts. It discussed those parts of the first protocol which extend to civilian medical

establishments and personnel protection equal to that accorded to military medical personnel by the Geneva Conventions. Commission II, which was again chaired by a Canadian expert, examined the second protocol on non-international armed conflicts. Commission III dealt with those parts of the first protocol relating to the behaviour of combatants, protection of the civilian population, protection of non-military civil defence organizations and, at the request of the UN Secretary-General, protection of journalists engaged on dangerous missions in areas of armed conflict. Commission IV was concerned primarily with measures intended to reinforce the implementation of the existing law, its supervision, including the appointment of protecting powers, and penalties for breaches of the law.

### **Hundreds of proposals**

Accordingly, each commission worked on parts of the two protocols. Hundreds of proposals and amendments were submitted in writing and considered by the expert delegations. Since the rules of procedure followed both in plenary and commission sessions encouraged experts to speak in their personal capacity without binding their governments, efforts to coordinate these submissions and to accommodate conflicting opinions were meagre and largely illusory. The rules did permit indicative voting on individual proposals, but not many such votes were recorded.

In addition, no verbatim or summary records were kept and no resolutions or recommendations were adopted formally. This permitted fairly free-ranging and generally apolitical discussions which were reflected in the voluminous reports of the four commissions. These reports were adopted by the conference as a whole at its closing plenary sessions. It was left to the ICRC to draw up a complete report of the conference for circulation to states parties to the Geneva Conventions and to the Secretary-General of the United Nations.

The basis of work for Commission I was the relevant articles of the first draft protocol (Articles 11 to 29) on international armed conflicts, dealing with two major topics: one, the protection of wounded and sick and civilian medical personnel, and the other, the safety of medical transports. The commission also considered the provision of additional assistance to national Red Cross societies and other relief agencies.

The commission selected a drafting committee to prepare texts for its consideration on the basis of the ICRC draft

*Bid to co-ordinate  
all of submissions  
proved illusory*