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XIXth International Conference of the Red Cross

New Delhi, October-November 1957

FINAL RECORD

CONCERNING

THE DRAFT RULES FOR THE LIMITATION OF THE DANGERS  
INCURRED BY THE CIVILIAN POPULATION IN TIME OF WAR

International Committee of the Red Cross

Geneva, April 1958

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## INTRODUCTION

In Resolution XIII concerning the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War (1) of which the text is given on Page 141, the XIXth International Conference of the Red Cross held in New Delhi from October 26 to November 7, 1957, addressed the International Committee of the Red Cross (ICRC) in the following terms:

"The Conference . . . .

requests the International Committee of the Red Cross, acting on behalf of the XIXth Conference, to transmit the Draft Rules, the record of its discussions, the text of the proposals and the submitted amendments, to the Governments for their consideration".

In compliance with this request the International Committee has drawn up this document, which contains the complete record of the discussions of the Conference on the Draft Rules, together with the text of all the amendments, suggestions and reports on the subject submitted to the Conference and distributed to the delegates.

The International Committee thought it advisable to make the study of the record and the texts easier by giving a few short comments on the course of the discussions on the Draft Rules by the Conference. For this same purpose, it has also appended to the record and relevant texts, the following lists:

Delegates who spoke on the Draft Rules, listed in the order of the speeches, by countries and lastly in alphabetical order (see p. 155)

All amendments and other texts concerning the Draft Rules distributed during the Conference to the delegates (see p. 173)

Amendments and proposals concerning particular Articles of the Draft Rules in numerical order of the Articles (see p.175)

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(1) Abbreviated hereafter to "Draft Rules".

To establish the final text of the record contained in this publication, the ICRC made use of the verbatim shorthand records of the Conference discussions (in English) and tape recordings of the speeches.

The tape recordings enabled the ICRC to check all speeches in English of the verbatim records and to transcribe in the original languages speeches made in French and Spanish. In addition, the ICRC thought it advisable to submit the records of the speeches to those who had delivered them, to enable a final check to be made. This procedure, usually followed in compiling the Final Records of Conferences, explains the lapse of time which has occurred before the Committee could carry out the mandate entrusted to it by the fifth paragraph of Resolution XIII. The International Committee wishes to thank all the delegates who have been good enough to return their speeches, with the few corrections of form they wished to make, without loss of time.

After receiving these texts, implicitly or expressly approved by the authors, the ICRC was able to proceed with the drafting of the text, its translation into the three working languages of the Conference and, lastly, its publication.

It will be remembered that, in view of the New Delhi Conference, the ICRC sent the Draft Rules, in October 1956, to all the National Red Cross Societies and Governments taking part in the Conference.

During the Conference the study of the Draft Rules was entrusted to the International Humanitarian Law Commission - under the chairmanship of Mr. John MacAulay, Vice-President of the Canadian Red Cross - under Item 2 of its Agenda. The proceedings began with an introductory speech by Mr. F. Siordet, Vice-President of the ICRC, who explained the origins and purpose of the Draft Rules, and commented on the Draft Resolution submitted by the ICRC (see p. 7)

Discussions on this item took place during the first four meetings of the Commission, i. e. the morning and afternoon meetings on October 29 and 30. They came to an end during the morning meeting on October 31, following the adoption of the draft resolution prepared by the Drafting Committee (see p. 105). The report of Mr. H. Beer, Secretary-General of the Swedish Red Cross Society, gives a detailed summary of the progress and various stages of the discussions (see p. 110).

The Conference took up the study of the matter once more during the fifth Plenary Session on November 6 (afternoon). After hearing the report of the Commission on International Humanitarian Law, and two further speeches on the subject, it adopted unanimously Resolution XIII which figures in the Conference resolutions. In the next Plenary Session, on November 7, another speech (included in this document) was made on the Draft Rules.

Altogether, sixty-two delegates of Red Cross Societies or Governments, representing forty-seven countries, spoke on the subject of the Draft Rules; a list of their names is appended.

Final record of the  
XIXth International Conference of the Red Cross  
concerning  
the Draft Rules for the Limitation of the Dangers  
incurred by the Civilian Population in Time of War

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I. - VERBATIM RECORDS



A. - VERBATIM RECORDS OF THE MEETINGS OF THE  
INTERNATIONAL HUMANITARIAN LAW COMMISSION  
DEVOTED TO DISCUSSION OF THE DRAFT RULES

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FIRST MEETING

29 October 1957

(The meeting was opened at 11. 10 am by the Chairman of the Commission,  
Mr. John A. MacAulay, Q.C., Vice-President of the  
Canadian Red Cross)

Mr. J.A. MACAULAY (Chairman) -

Ladies and Gentlemen: I thank you for your confidence in appointing me Chairman of this Commission. I shall endeavour to preside at the sessions of this Commission to the best of my ability.

There has been appointed by the Plenary session the following persons as Vice-Presidents of this Commission:

Prof. Georgi Miterev (URSS)  
Mme Li Teh Chuan (Peoples' Republic of China)  
Prince Frederic de Merode (Belgium)  
Judge U. Aung Khine (Burma)  
Dr. D.A. Inostrosa (Chile)

I would request them to take their place on the dais.

(The Vice-Presidents took their place on the dais)

I would like to recommend that Mr. Beer of Sweden act as Rapporteur of this Commission. Has that your approval ?

(Delegates : Yes)

Mr. President: I would ask Mr. Beer to take his place.

(Mr. Beer took his seat on the dais)

The Session has also recommended that there be two Secretaries, one from the International Red Cross Committee and one from the League.

Their names are Mr. Wilhelm of the ICRC and Mr. Schussselé of the League. Will they kindly take their seats ?

(The two Secretaries took their seats on the dais)

Ladies and Gentlemen of the Red Cross, we are now meeting at the International Humanitarian Law Commission.

Before we begin discussion on the second item on the agenda, which is the proposal of the international rules for the limitation of the dangers incurred by the civilian population in time of war, I wish to make a few observations, as they will have application to this item on the agenda and to other items on the agenda of this Commission. The ICRC has placed before us some draft rules for the limitation of the dangers incurred by the civilian population in time of war. We are interested in these rules from the humanitarian standpoint only and our discussion will be restricted to that phase of the rules. Discussion of a political nature is not permitted. Section 5 Article 3 of the Statutes of the International Red Cross provides:

"It may not deal with political matters, nor serve as a forum for political debate".

I know that all delegates in making representations will observe carefully the provision of the Statutes and the discussions will be carried on on a proper and dignified basis.

I will have to rule out of order any discussion of a political character. Clearly an attack or accusation by one delegate against another delegate or the country of another delegate is purely political. The context of all statements, of course, has a bearing on the matter and on the interpretation. A statement may be of a strictly humanitarian character standing by itself, but in a certain context will conceivably be of a political character. I will accordingly rule a statement out of order each time I feel there is an infraction. Any delegate speaking in any language other than one of the working languages of the Conference will be called upon to make progressive translations. This is also provided for in article 16, page 315 of the Handbook. When I say "progressive translation", I suggest that there be a translation every one minute of speech. If it is necessary to call for more frequent translation, I will do so.

If a delegate is ruled out of order by the President, that delegate is not to take up unnecessarily the time of all the delegates. The President has a responsibility to delegates who come to the Conference to discuss Red Cross matters and matters of a humanitarian nature. Accordingly, the President asks that all delegates obey the President's ruling immediately.

Fears have been expressed that the presence of the Press will create a tendency towards longer speeches or speeches for other than Red Cross purposes. If the President reaches the conclusion at any time during the sittings of the Commission that there is substance in this



expressed view, he will take advantage of the authority invested in him by the Conference to continue any or all the other sessions of the Commission without the presence of the Press.

These are all the observations I have to make at the moment. I make them for your guidance and I know I shall have the full co-operation of all the delegates. I now call upon Mr. Siordet of the ICRC to present the draft rules.

Mr. F. SIORDET (Vice-President of the ICRC) (original French) -

Mr. Chairman, Ladies and Gentlemen: The International Committee has the honour to present the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War, which it sent several months ago to the National Red Cross Societies and Governments represented here.

The introduction to the Rules and the first three chapters of the Commentary accompanying it contain a clear enough explanation of the origin and general spirit of this draft to enable us to dispense with a long introductory speech here.

The Draft Rules are in no way an innovation, either in nature or substance. They form part of a long series of tasks which the ICRC, since its inception, has undertaken after each great conflict and which answer the second of the purposes contemplated by the founders of the Red Cross in 1863. Henry Dunant suggested that the Red Cross should follow the double aim of:

firstly, establishing charitable societies to assist the victims of war, and

secondly, drawing up international rules enabling such assistance to be given and aimed at reducing the number of victims.

Annex III to the Draft Rules gives a few examples of the many efforts made by the Red Cross in this field and the resolutions of International Red Cross Conferences on which those efforts were based.

These Draft Rules have their origin in the memory of the cruel losses inflicted on the civilian population during the First, and more particularly the Second World War and our anxiety to avoid a repetition of these losses, which the development of modern means of destruction could only increase. The fact must be recognized that while all States which signed the Geneva Conventions in 1949 proclaimed that non-combatants must be respected and protected and assistance given to the victims, this protection and assistance might be jeopardized so long as there were indiscriminate attacks on military personnel and civilian alike with weapons which might even raze whole cities to the ground.

The last world war only too cruelly justified the anxieties of XIVth International Red Cross Conference, which met as long ago as 1930 and whose Resolution V. ended thus:

"From a study of the Resolutions of the Experts sitting at Brussels and Rome, it is apparent that a war would expose civilian populations to very grave perils and that it might become almost impossible, particularly in the case of large agglomerations, to protect them.

This possibility is the more serious inasmuch as it appears, after consultation with jurists, that the protection of civilians against the effects of warfare is properly guaranteed by no Diplomatic Convention. The Conference deems that it is the duty of the International Committee to study the means whereby this state of affairs might be remedied and made known".

The Draft Rules are the result not merely of the International Committee of the Red Cross carrying out a task entrusted to it but of joint efforts. From the beginning of our work, we have kept the National Societies informed of our intentions and we communicated to them the results of the first advisory meeting of the Commission of Experts held in Geneva in March 1954. Almost at the same time the Board of Governors, meeting in Oslo in May 1954 and moved by the same anxiety for the better protection of the civilian populations, spontaneously and unanimously requested the ICRC "to make a thorough examination of the subject and propose at the next International Conference of the Red Cross the necessary addition to the Conventions in force in order to protect civilian populations efficiently from the dangers of atomic, chemical and bacteriological warfare".

Thus confirmed in the correctness of its undertaking and conscious of the importance and the difficulty of its task, the ICRC from that time onwards has kept the National Societies regularly informed about its studies and has invited them to play a direct part.

We wish here to pay a tribute to the active interest shown by very many Societies. Their comments, whether positive or negative, have been carefully considered. All have been useful; they have helped us to realise what was possible and not to go outside our traditional sphere.

When, in 1952, we resumed the studies undertaken by the ICRC before 1939 and began the preparation of these Draft Rules, world opinion had been put on its guard by a new and important factor, not present before the war; the development of nuclear energy. It is a fact that many see a guarantee for the civilian populations in prohibition, pure and simple, of the use of atomic energy for warlike purposes. Many resolutions of International Red Cross Conferences or of the Board of Governors reflect this trend by expressing a wish that Governments succeed in reaching agreement on such a prohibition and on the means of ensuring its observance.

While the ICRC has associated itself with these resolutions, it has nevertheless considered it necessary from the very start to tackle the problem of the protection of civilians in case of conflict from a different viewpoint in keeping with the purposes of the Red Cross. Indeed, prohibition of nuclear weapons leaves out of account all the other devices, new or old, which, used in certain ways, may cause considerable losses to civilians. Furthermore, attempts to achieve total prohibition under effective safeguards have for a long time been under discussion in the United Nations. Now, the Red Cross is not a political institution; it has no competence in the art of war and still less in nuclear science. It does not have to concern itself either with the manufacture of armaments or with the elaboration of strategy. Its only anxiety is, and should remain, the protection of non-combatants and the giving of relief.

The ICRC therefore considered that a solution should not be sought in drawing up a catalogue of authorized or prohibited means of warfare, but rather in making out a list of principles ensuring the safety of those who must, by general consent, be protected from attack. Now, these principles have long existed. Though they are often forgotten and are stated in the ancient rules of the law of nations in a form which may appear out of date in this age of aviation and atomic energy, innumerable manifestations of public opinion and even the opinion of States - such as the signature of the Geneva Conventions of 1949 - show that they are still living in the public conscience. We therefore considered that it was both necessary and sufficient to reaffirm these rules in a form which takes into account the developments of modern science. Indeed, there can be found in our Draft Rules nothing but:

a reaffirmation of the principle that the civilian population must be left outside the sphere of armed attacks whether direct or indirect;

the consequent obligation on the parties to the conflict to take every precaution to ensure that attacks on military objectives do not harm the civilian population, which is to be removed from the vicinity of threatened objectives;

the consequent obligation to abstain from the use of methods of destruction, the effects of which may escape from the control of the person using them, thus endangering the civilian population.

It is not the selection of a particular weapon which may make it lawful to destroy human life. We are, therefore, very desirous of the principles stated in the Project being valid in all circumstances, whatever the weapon used and whether it is already known or yet to be invented.

Peace and war are a matter for governments. The ICRC knows that in a conflict the preservation of a country's safety may face it with harsh necessities. It is not the Committee's role to discuss this point. On the other hand, its mission, and the mission of the Red Cross in general, is to proclaim and ceaselessly reaffirm the fact that humanity also has its necessities.

Our Draft Rules have no other purpose.

As stated in the introduction to the Draft Rules, the ICRC is submitting to you a Resolution which it has already communicated to all the National Red Cross Societies; you have this document (No. HR/6) before you.

This Resolution is very simple. It does not call for a formal approval of the Draft Rules.

In compliance with the request put forward at the XXIIIrd meeting of the Board of Governors of the League, we have tried to give you a full and clear text, with numbered articles, which sets forth draft rules which Governments could take as a basis for their work. We do not think there is any need to discuss it here, and to recast it - article by article and paragraph by paragraph.

Only Governments and their specialists can draw up international conventions in their final form. This is a Red Cross meeting and not a Conference of Experts. Moreover, in the very short time available it would not be possible to reconcile differences of opinion on the wording of each article without running the risk of distorting the text of the Draft with harmful results for its future.

Votes on particular provisions of the Draft Rules do not matter at present. The various opinions expressed on the subject, and any remarks and suggestions you may make concerning possible amendments, will be carefully noted with a view to the drawing up, later on, of the regulations which we all wish to see come into being. What matter now, and what we are proposing is that this XIXth International Red Cross Conference should give the opportunity for all the delegates present to unite in stating their unanimous approval of the basic principle of the Draft Rules: the protection of the civilian population in the event of an armed conflict.

Having said this, I will merely dwell very briefly on a few individual aspects of the Resolution.

The first point (Paragraph 3 of the Resolution) merely repeats a recommendation expressed by the International Red Cross Conference in previous resolutions. At a time when the discoveries and progress of science lead too many persons to think that the fundamental rules for the protection of non-combatants are now worthless, it seems essential for the Red Cross to re-affirm that these rules are still in existence and that their adaptation to present circumstances is advisable.

The second point (the paragraph starting with "considers") expresses this approval of the principle to which I have just referred.

The third point (the paragraph starting with "deems") indicates that after having responded to the wish expressed by the Red Cross at Oslo concerning the need for regulations to give more efficient protection to the civilian population, the ICRC is prepared, if your wishes correspond to its intention, to pursue its efforts, in order that the

essential principles of the proposed Rules may lead, in due time, to an international act by which all States will be bound.

The last point (last paragraph) shows how useful it would be for the ICRC, in continuing its efforts, to be informed of all the comments which delegations which have had the opportunity of studying the Draft Rules may wish to make concerning them. Although it received numerous comments and suggestions on the 1955 Draft, only two or three Societies (to which it would like to express its thanks) have so far given it their detailed opinion on the present version.

I should also like to stress a point which we did not think it necessary to include in our Resolution since it appeared to be self-evident; with the ever-increasing means of destruction which humanity now has at its disposal, it is, of course, obvious that the first and most essential aim is the maintenance of peace.

The compilers of the Draft Rules have never at any time considered them to be an alternative to the maintenance of peace. They merely represent the last attempt of the Red Cross - if, unhappily, recourse should once more be had to force - to save what can and should be saved. But all those who have taken part in the establishment of the Draft Rules as well as those who have studied them, will certainly be the first to stress repeatedly the idea which appears at the beginning of the Preamble that "all nations are firmly convinced that war should be banned as a means of settling disputes between man and man".

Mr. J. A. MACAULAY (Chairman) -

You have before you the resolution of the ICRC. Amendments or motions may be seonded by another delegation before they are discussed or voted on, but I do not think it is necessary. You have the resolution before you. I might say, what you have before you is a provisional agenda. There have been resolutions of amendment to particular rules forwarded to the Bureau, and these have come in very recently. I think the copies will be available this afternoon, but in view of the motion that we have before us, the resolution before us, I think we will proceed to discuss the rules as a whole. The other resolutions only deal with particular rules, and if this resolution is adopted by the Commission, or some such resolution, then it would not be necessary to discuss the resolutions which deal with particular rules at a later stage.

We will proceed to a discussion of this resolution.

Dr. J. CECH (Czechoslovakia, Government) (original French) -

Mr. Chairman: The item of the Agenda now being discussed by the International Humanitarian Law Commission, the "Draft Rules

for the Limitation of the Dangers incurred by the Civilian Population in Time of War", represents, in the opinion of the Czechoslovak Delegation, one of the basic questions before the XIXth International Red Cross Conference.

In view of the considerable amount of work we have before us, to which, we hope, all the delegates taking part in the Conference are giving their close attention, I should like to say how highly we appreciate the praiseworthy initiative taken by the ICRC. The purpose of the Draft Rules placed before the Conference is to arrange a system for the protection of the civilian population during war, and particularly during military operations.

The experience of the last World War showed, in fact, that the rules in this connection, such as they are now, are not adequate and do not take into sufficient account the technical development of new weapons with unforeseen effects. It is obvious that we must first consider the legal aspect of the Draft Rules in order that, in addition to their moral value, they may be effectively used by Parties engaged in military operations and afford adequate protection for the civilian population.

The Czechoslovak Delegation welcomes this opportunity of discussing the Draft Rules, all the more so as part of their aim is to save entire groups of living populations and to protect future generations.

For our Commission's work to lead to successful results, the Czechoslovak Delegation considers that it would be more useful to decide upon a single text and to avoid splitting up the text into various proposals; to prepare a single text would increase the moral value of the Draft Rules and lay the basis of an international convention. We could all agree to the statement contained in Article 1 of the Draft Rules that the right of the Parties to the conflict to adopt means of injuring the enemy is not unlimited, and that the civilian population should be left outside the sphere of armed attacks.

In view of the principles contained in Article 1 of the Draft Rules, I should like to make the delegates aware of the influence that this principle exercises (or should exercise) upon the provisions of Article 14 of the Draft Rules. The present text submitted by the International Committee of the Red Cross provides, in Article 14, for the prohibition of weapons which could escape from the control of those who employ them and thus endanger the civilian population. This Article is, no doubt, one of the most important since it concerns prohibited weapons. Nevertheless, the Article is not sufficiently clear and might eventually give rise to various interpretations in favour of a future aggressor. New weapons based on the use of the new and most dangerous sources of energy open up frightful prospects of what might happen in the event of another war, which might lead to the total destruction of human civilisation and culture.

Even the mere testing of nuclear and thermo-nuclear weapons since 1945, and particularly since 1954, has become a serious danger for all mankind, because it has poisonous effects on air, water and living

creatures through the spreading of radioactive substances which might, if put to other uses, benefit humanity. If mere tests have sufficed to cause such a serious danger which science is unable to avoid, the consequences can be imagined of the use of nuclear and thermo-nuclear weapons in the event of a conflict. We must take into account not only the radioactive effects but also thermal and pressure waves. Tests of nuclear weapons have already escaped from the control of those making them, which proves the impossibility of controlling the total effect of such weapons. It is, therefore, both advisable and necessary for Article 14 to provide for the total prohibition of all weapons of mass destruction.

The Czechoslovak Delegation, with a view to emphasising the need to defend humanity against the danger referred to, yesterday handed to the Conference Secretariat an amendment (which is now being copied for distribution) in which it suggests replacing the first paragraph of Article 14 by the following:

"In accordance with the existing rules concerning the moderation of the effects of war, the use is prohibited of nuclear, bacteriological and chemical weapons, as well as all weapons whose harmful effects could spread to an unforeseen degree or escape, either in space or in time, from the control of those who employ them, thus endangering the civilian population".

We must not, in this connection, lose sight of the fact that weapons of mass destruction are already prohibited by international law.

There is no doubt that the Convention on the Prevention and Punishment of the Crime of Genocide outlaws the use of the atom bomb, which would present the most atrocious form of genocide. It cannot be denied that, in some circumstances, the use of the nuclear weapon could, according to the provisions of the Convention, be considered as the partial destruction of an ethnographical group.

The rules of war on land prohibit the use of poisonous gases and weapons. It would be absurd to imagine that whereas such weapons are prohibited, the radioactive effects of nuclear weapons would be allowed on the grounds that the rules do not refer to them. This prohibition obviously applies to tactical nuclear weapons, a distinction made between nuclear weapons for the purpose of making the use of atomic weapons more acceptable in the eyes of the public, which cannot realise that the use of the atomic weapon against military objectives also signifies the destruction of the place where the objective is situated. The effect of nuclear weapons is likely to spread to the territory of a neutral State, in contradiction with the Convention respecting the Rights and Duties of Neutral Powers. The dangerous nature of nuclear weapons leads us to conclude that they belong to the category of "analogous . . . materials or devices", quoted in the Geneva Protocol of June 17, 1925. There is no doubt, therefore, that the question concerns weapons which cause useless suffering to combatants, and the destruction of enemy

territory, and endanger the lives and property of the civilian population, in contradiction with the provisions of the rules of war on land.

I feel sure, Mr. Chairman, that what I have said shows the extreme gravity of the problem of the use of nuclear and thermo-nuclear weapons. May I ask all my fellow-delegates to give this question the careful attention it deserves, in the noble spirit so aptly expressed by the President of India in his speech. May the discussions of the Conference be inspired by the highest humanitarian traditions in order that it may raise its voice on these vital matters and express the thoughts by which all human beings are stirred today. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I wish to make some observations; but I should reserve my remarks until the Delegate who just spoke has a chance of returning to his seat and to use the ear-phones.

We have now read your resolution and we cannot accept it as an amendment to the resolution that has been presented to the Conference because the resolution that has been presented deals with the rules as a whole. If a resolution is not adopted by the Conference dealing with the rules as a whole, we will proceed to discuss your resolution as an original motion. I think that is the best way to deal with the matter in order to avoid confusion. I do not know whether we can have an amendment to an amendment to an amendment and so on. I think this resolution which has been presented is not strictly an amendment of the resolution we have before us but is in the form of an original motion. When we have our final agenda this afternoon, this will either appear as item (a), (b) or (c) - sub-section of item (2) - which we are discussing now.

I have a request from the Delegation from Yugoslavia to speak. The President of the Yugoslavian Delegation.

H. E. Dr. P. Gregoric (Yugoslavia, Government and Red Cross) -

Mr. President, Brother Delegates: While approaching the problem of legal protection to the civilian population in times of armed conflict, this Conference of the International Red Cross should bear in mind that the existing system of legal protection of war victims is inadequate. This refers particularly to the protection of the civilian population, persons who do not take part in military operations, that is, the non-combatants.

Of course, we should consider mainly the protection against all weapons of mass destruction, weapons whose effects cannot be



controlled. In such a situation, both parties to the conflict have a common interest in the protection of their own civilian population. The initiative or the initial preparation of these draft rules was a difficult and delicate task. The International Red Cross had in mind, in the first place, to achieve its basic humanitarian aim to aid every victim of an armed conflict, to reduce these sufferings and sacrifices, to help every person who needs help and especially the unprotected ones, those who are in a helpless situation.

The most prominent international humanitarian organisation, the International Red Cross, was faced with the following dilemma: to be satisfied with the existing system of legal protection to war victims, considering that it covers all circumstances where protection is necessary, or to seek improvement by clearly pointing out all situations where the civilian population, the non-combatants, are exposed to the dangers of modern weapons. I think I share the opinion of all the Delegations which are present here when I say that the International Red Cross has remained faithful to its humanitarian traditions and to the idea of Henry Dunant when it shows the second way by pointing out in time all the dangers to which the civilian population may be exposed and by asking for better protection against them.

The International Red Cross warns mankind of the possibility of total destruction of all human and material values, through the use of various weapons which may endanger the elementary humanitarian principles on which the existing rules are based. It must be ascertained with satisfaction that the draft rules start from the existing international rules and the generally adopted humanitarian principles so that the legal rules which are to be adopted by this Conference represent the codification of an important section of the rules protecting war victims, reaffirming the fundamental Red Cross principles and giving them a more precise and clear form necessary under the present conditions of modern war.

These rules are markedly humanitarian in character and regulate the relations which certainly come within the competence of the International Red Cross, that is the protection of war victims. It is within the same field of competence that the Geneva Conventions have been prepared.

The Yugoslav Delegation which represents a country whose civilian population has actually suffered during the Second World War is extending its sincere congratulations to the ICRC who did not spare any efforts to produce these important draft rules, this new fundamental code on the protection of war victims. Such a code will, at the same time, be the greatest contribution to the forthcoming centenary of the Red Cross. The Yugoslav Delegation proposes, therefore, that these rules be adopted by the Conference in principle as suggested by the International Committee of the Red Cross in this resolution. Thank you, Mr. Chairman.

Mrs. A. MESAROS (Rumania, Red Cross) (original French) -

Mr. Chairman: Desirous of making a contribution to the discussion, and expressing its high esteem for the work which has gone into drawing up the Draft Rules, the Rumanian Delegation wishes to submit an amendment with a view to improving the text. It considers that further study should be made of Article 14.

This article is the most important of the Draft Rules, as it was framed in accordance with a resolution adopted by the XXIIIrd Session of the Board of Governors, held in Oslo in May 1954; the purpose of the article is to ensure the protection of the civilian population against the dangers of atomic, chemical and bacteriological warfare.

Nevertheless, the striking feature of the text is the vague wording employed, and the excessive caution shown, which is a great contrast to the text of the Oslo resolution which clearly sets forth the need for prohibiting atomic, chemical and bacteriological weapons.

What has happened since this resolution was adopted? Has there been a change? Have the weapons of mass extermination become less harmful? Have means been found to protect the civilian population from their fatal effects?

It is true that the Commentary on the Draft Rules explains the reasons which led to the drafting of the present text, as opposed to that of the 1955 Draft, in which the corresponding article was couched in more categorical terms.

The authors of the Commentary nevertheless endeavour to justify, with minute details, the text submitted and to explain that it attains its object even if it does not necessarily and expressly call for absolute prohibition of atomic and bacteriological weapons. This wealth of explanation is the best proof that the text opens the way to distinctions and interpretations which are likely to diminish its efficacy. There is no justification whatsoever for the idea that a precise text would not be acceptable to Governments, and might hamper the negotiations still in progress in the United Nations on a controversial subject. On the contrary, the fact that the ICRC - an organisation which is independent of any Government - would be proclaiming in clear and certain terms the wishes of the entire world, and would be raising its voice in favour of the absolute prohibition of weapons of mass extermination, would stimulate negotiations and perhaps turn the scale by bringing a solution, which is so widely desired, to this vital problem.

The Rumanian Delegation therefore considers that a revision of Article 14 is desirable, and that it should, while remaining within the limits of the present draft, express with the utmost precision and clarity the idea to which all are agreed: the protection of the civilian population against mass extermination.

We therefore propose that Article 14 should be revised in the following terms:

"Without prejudice to present or future prohibition of particular weapons, the use of thermo-nuclear weapons of any description (in the air, on the sea or on land), bacteriological and chemical weapons, and any other weapons whose destructive effects endanger the civilian population, is prohibited".

Thank you, Mr. Chairman.

M. J. A. MACAULAY (Chairman) -

For the reasons which I stated recently, we cannot accept this as an amendment to the motion proposed by the ICRC but we expect that as a resolution, it will be dealt with in due course if there is not a motion in some form adopting the rules as a whole. Now, we will call the Polish Delegate. He is the leader of the Polish Government Delegation.

H. E. Dr. J. KATZ-SUCHY (Poland, Government) -

Mr. Chairman, and Members of the Commission: At the moment, I wish merely to speak on the procedural issue which is before the Commission. Permit me, however, before I reach that point, to state the deep satisfaction and the appreciation of my Government as well as the Delegation of the Polish Red Cross for the preparatory work which has been undertaken by the ICRC in preparing the Draft Rules which are the subject of discussion now. My Delegation considers that they constitute a valuable contribution to the problem of establishing a set of international rules limiting the dangers of war and war risks for the civilian population as well as war risks in general.

We consider, however, that in spite of all the work which has been put into those draft rules by the ICRC this Conference has been called upon to discuss them, to add its remarks and draw up its amendments or corrections which would serve, both for the International Red Cross and the Governments which are called upon to approve these rules, as a guidance for the final formulation of the draft convention. We consider, that for the moment, placing before the Commission a resolution which requires a blanket approval of draft rules prepared by the ICRC is much too premature. This Commission has been called to consider the draft rules and by no means a general adoption or acceptance could be properly considered as a review and consideration.

As a matter of fact, I think that the ICRC in submitting its resolution reproduced in document HR/6, had no intention of putting the Commission in such a position. I believe that this resolution was meant as a final

resolution, concluding the debate, after the Commission has given careful consideration to the draft rules, article by article, reviewing the various amendments and proposals which may be raised at this meeting.

I, therefore, submit to the Chair and to the Commission that the voting and the decision on the draft resolution submitted by the ICRC be postponed until this Commission has finished its task at least on point No 1 of its agenda, namely, until it has reviewed the draft rules. All the remarks which the Governments or Societies may make here, with amendments, approved as well as those rejected, will serve as a basis for further study for the ICRC the Governments and working parties that may be set up for the final production of the draft rules which will become the subject of consideration at a higher level and at a diplomatic conference or conferences arising out of the present situation. Thank you, Mr. Chairman.

Mr. O. KHLESTOV (U. S. S. R., Red Cross) (original Russian interpreted into French) -

Mr. Chairman, Fellow Delegates: I should like to express my opinion with regard to the discussion of this point. We are now discussing a matter which is of extreme importance for the International Red Cross; it concerns the elaboration of the Draft Rules for the protection of the civilian population in the event of a conflict.

The Red Cross has already great and noble traditions in regard to the drawing up of similar documents and today, in this supreme body of the International Red Cross, we should pay great attention to the drafting of the Draft Rules.

After examining the draft resolution submitted by the ICRC, I cannot, at the moment, make a decision in favour of the voting and adoption of this resolution. It seems to me that our Conference should, in accordance with the tradition set up some long time past, make a very careful study of the Draft Rules submitted by the ICRC. It appears to me that a closer study of these Draft Rules would contribute towards the elaboration, at a later date, of an international agreement on the matter.

Therefore, I fully support the proposal of the Polish Government Delegation, i. e., to make a careful and detailed study of the Draft Rules submitted by the International Committee and then to examine the possibility of accepting the draft resolution submitted by the Committee concerning the elaboration of an instrument for adoption by a diplomatic body.

For technical reasons, therefore, and to help us in our work, I suggest setting up small study groups. which could examine the suggestions

put forward by the various delegations and report to the Commission, which could then adopt the draft prepared by these groups. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I cannot see any merit in the suggestions made by the last two speakers, because we do not propose a vote on the resolution that is before us until all representations have been made, and any delegate making any representation is entitled to deal in detail with any of the rules as he proceeds when discussing the rules as a whole.

Mrs. I. BARRY (Ireland, Red Cross) -

Mr. Chairman, Ladies and Gentlemen: I have not come here with a prepared statement on this question. I have no amendments to propose. I merely wish to state that I as Chairman of the Irish Red Cross know that my Government and my Society has received from time to time the draft resolutions from the International Committee. I feel sure that if we - not the infant of the Red Cross Movement, but what one might call the smallest of the Red Cross Movement - have received those draft rules then every other country must have received them. We took the trouble to comment on them to the International Committee. We did that from time to time, and I assume that the International Committee asked each of the Governments and Red Cross Societies to do the same. In view of this, I think it seems strange that today we have amendments to those draft rules.

Now, the Delegate from the ICRC stated in his comments on the resolution being put forward by the International Committee that the resolution is a very simple one. It does not call for a formal approval of the draft rules. Only the Governments and their specialists can draw up international conventions in their final forms. After all, one must remember that it is Governments who will make the final decision on what they agree to in connection with the protection of the civilian population. As I have already said, I have no written statement. This is all that I have to say on the issue raised by the representative of the International Committee. Thank you, Mr. Chairman.

Mr. T. W. SLOPER (Brazil, Red Cross) -

Mr. Chairman, Ladies and Gentlemen: The Brazilian Red Cross is particularly interested in this question of the draft rules as it was the first mover of the Oslo Resolution which was one of the resolutions passed at that time by the Board of Governors of the League

unanimously. The Brazilian Red Cross wishes to second the motion which was just presented by Mr. Siordet of the ICRC. It does not wish at present to enter into any details of the articles of this project. It would however point out that, when a Delegation here proposed a particular article on nuclear warfare, that Article 14 of these Draft Rules covers all indiscriminate warfare and that a special reference to nuclear warfare does not seem opportune. If a special reference is desired, it would certainly have to take the form of another resolution outside the draft rules since these draft rules cover all indiscriminate warfare.

In not wishing to enter into details of the Project, the Brazilian Red Cross, nevertheless, reserves the right to enter into debate if any discussion on certain articles takes place. Finally, it does not consider that it is possible to enter into a discussion of these articles, article by article. We can only take up those particular amendments which are brought up by Delegations. If we were to discuss article by article we should still be here in three months' time. Thank you, Mr. Chairman.

**H. E. Mr. PAN TZU-LI (People's Republic of the China, Government)  
(original Chinese interpreted in English)-**

**Mr. Chairman and Fellow-delegates:** The Delegations of the People's Republic of China and the Red Cross Society of China would like to give our opinion on the "Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War" as follows:

It is the most fundamental hope cherished by the people in all lands to achieve a lasting peace and avert the sufferings caused by war. The Chinese Government and the Chinese Red Cross Society have all along advocated that the first and primary duty of the Red Cross is to safeguard peace and work against war. We are of the opinion that the Red Cross should contribute its efforts towards facilitating the peaceful settlement of disputes between nations. In the Preamble to the abovesaid Draft, it has also been provided that war should be banned as a means of settling disputes. We fully associate ourselves with this proposition.

As everybody knows, the use of nuclear weapons, in whatever manner or place, will certainly bring the civilian population serious harm. If their use is not completely banned, there can be no real protection of the safety of the civilian population in time of war. Accordingly, we consider that since it has been our purpose to draw up the rules to protect the civilian population in war time in view of the development of nuclear weapons, the main theme of the rules should and must be an express provision that nuclear weapons and other weapons of mass destruction are completely banned; an ambiguous provision would not do.

On the other hand, if this convention should include an explicit provision that the use of nuclear weapons is prohibited, it would give a strong impetus to the conclusions of an agreement on the suspension of nuclear weapon tests, in which world public opinion and the broad masses of Red Cross members are deeply concerned, and which will have a great bearing on the protection of the health of the people of the countries concerned.

The Government of the People's Republic of China and the Red Cross Society of China have all along advocated an unconditional ban on the use of nuclear weapons and of all other weapons of mass destruction. On several occasions at International Red Cross gatherings, the Chinese Red Cross Society, together with the Red Cross Delegations from many other countries, requested the adoption of resolutions banning the use of nuclear weapons and of other blind weapons. From the very beginning we have been of the opinion that in our time, the Red Cross's responsibility, of which it cannot be relieved, is to contribute every effort and strive towards keeping the civilian population and humanity from the sufferings caused by atomic warfare. At a time when certain warlike groups are relying upon atomic armaments race to create international tensions and stubbornly refuse to reach an agreement banning the use of nuclear weapons, we hope that, to the satisfaction of the world public opinion and of the broad masses of Red Cross members, our Conference will find every possible means to urge the Governments concerned to arrive at the agreement which is desired by the people throughout the world.

Therefore, we propose that it should be expressly specified in the Draft that the use of nuclear, chemical and bacteriological weapons as well as other weapons of mass destruction is prohibited.

We are in full agreement with the opinion presented by the Delegate of the Soviet Union and the Delegate of Poland on this matter.

In order to realize the humanitarian principles of the Red Cross and to save humanity from the scourge of an atomic warfare, I call upon the Conference to accept our proposal. Thank you, Mr. Chairman.

H. E. Mr. M. J. GAMBOA (Philippines, Government) -

Mr. Chairman, Fellow-delegates: I would like to speak with particular reference to Article 14 of the draft rules. The Philippine Government is of the opinion that it is not fitting and proper for this Conference to deal with this subject, on the ground that this question has assumed a political character in the field of international affairs.

Everyone here knows that this subject is at present the big issue between two groups of nations. There are two schools of thought

among the chancelleries of the world on this question. Even now, as we discuss this subject at this moment, it is being debated in the halls of the United Nations. In fact, it has been so debated under the auspices of the United Nations for many months already. Therefore, this question having as it does political implications, had better be left to the United Nations to dispose of. The Philippine Government believes that the approach within the framework of the United Nations offers the best hope for the solution to this problem.

We reiterate here the oft repeated declaration that the Red Cross is a non-political, non-governmental, non-partisan organisation. As such, it would do well to refrain from taking up this very delicate subject.

The proposition is not as simple as it appears. It is not like two plus two equals four. No; it is rather like two plus two plus X equals what? X represents the unknown factor which is, what conditions are to be attached to this proposal. In other words the question embraces a very complex set of realities, which we cannot ignore.

It would be very unfortunate indeed if political considerations should again invade this hall in our deliberations. The Red Cross cannot afford to be a house divided against itself. The Red Cross, it has been said again and again, is characterised by universality, unity and one-world consciousness. We are not animated by the spirit of conflict but by the spirit of brotherhood and charity.

It seems to me that we are all agreed on the objective of this proposal, but there is a fundamental difference of opinion as to the manner of approach.

Let it not be said that those who are opposed to this Article in its present form are opposed to peace and the protection of the civilian population from man's inhumanity to man. No; we also desire peace; we are also anxious to provide means for the protection of the civilian population against the atrocities of war.

But if we must take up these Draft Rules, the Philippine Government wishes to modify Article 14 in such a way as to provide for the maintenance of the right to use nuclear weapons for self-defence and for adequate and effective safeguards, including control and inspection.

Finally, Mr. Chairman, on the matter of procedure, it seems to me that it would be better if we discussed these rules article by article first and later on pass the resolution as a whole.

Let us remember, however, that once we act on these Draft Rules favourably, such action will have to be regarded as final approval, which will carry with it a tremendous moral force. Thank you, Mr. Chairman.



H. E. Mr. A. SCILINGO (Argentina, Government) -

Mr. Chairman and Delegates: The Argentine Delegation thanks most warmly the ICRC for these Rules. It is a great contribution in the field of humanity. The set of Rules meets the approval in principle of the Argentine Delegation as a basis for the eventual consideration of the Governments when they desire to embody them in an international instrument .

Whilst welcoming the discussion thereof for, after all, the Delegates have come to this Conference to discuss them - , the Argentine Delegation considers that these should not be taken article by article, but only such articles for which amendments may have been introduced should be discussed. In the discussion of such amendments, the Argentine Delegation will take up a position on merit without any pre-conception. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I think I may make it clear to all the Delegates that regarding the rules or the articles as a whole, you can make representations in connection with any particular article in respect of which you wish to do so. So, that ruling still stands. Any Delegate who comes to talk on this resolution which has been presented by the ICRC can deal with every one of the 20 rules if he wishes and we invite any person who wishes to do that to do so.

I call upon the Delegate from the Lebanon to speak.

Mr. R. KLAT (Lebanon, Government) (original French) -

Mr. Chairman, Ladies and Gentlemen: We wish to thank the ICRC for the draft it has prepared, and for the method it suggests for action to be taken upon that draft.

I have, nevertheless, one comment to make concerning the draft resolution submitted to us. Paragraph 4 sets forth that the Draft Rules "are in conformity with Red Cross ideals and the requirements of humanity". I think it would be better to delete, purely and simply, this paragraph; the aspirations and requirements of humanity are the total abolition of the use of blind weapons. Thank you, Mr. Chairman.

H. E. Mr. HOON KIM (Republic of Korea, Government) -

Mr. Chairman, Ladies and Gentlemen: We are discussing this problem of preventing the use of nuclear weapons and so on for the last two and a half hours. The question is, as the Prime Minister Nehru said yesterday, not one of banning this weapon or that weapon. As he rightly said, war starts from the human mind. As long as our human mind does not seek humanity and human rights, merely passing a resolution or making rules and Laws does not mean very much to us, the civilians or to the total population of the world. We have all come here to save the human life - to save humanity or human rights for we want to save human life. For the last ten-twenty years this Commission has been fighting for human rights. We should not try to limit ourselves to the usage of nuclear weapons. Will it stop war completely?

I think that instead of spending too much time on this method, we have to approach the question from the point of view of the human heart. We must deal with the human heart and human brain and human mind. The Red Cross should take up the approach of preventing the human mind from having the feelings of hatred, violence and so on. That is the question that we have to discuss. If we discuss the matter from that point of view, I am sure this Conference will achieve something. But, by merely banning the nuclear weapons and so on, I do not know how far we are going to succeed. Even if we ban nuclear weapons, still a little piece of gun or a little piece of knife can kill a person all the same. So the only and best way of approaching the problem is approaching the human heart and human brain. So, instead of devoting too much time on this delicate subject, let us try to find out some common denominators so that we can work together for the encouragement of humanity and human rights instead of limiting ourselves to the ban of nuclear weapons. Thank you, Mr. Chairman.

Mr. O. PEDRAGOSA NADAL (Uruguay, Government, and Red Cross)  
(original Spanish) -

Mr. Chairman, Ladies and Gentlemen: The ICRC has placed before this Conference Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War and these have been submitted for our consideration. The Delegation of Uruguay wishes to state that it approves these Draft Rules, because it believes that if they were adopted, they would constitute an effective contribution to the cause of world peace.

With regard to the procedural aspect of this matter the Delegation of Uruguay believes that the Draft Rules should be given general approval and that each Article should then be discussed separately. Thank you, Mr. Chairman.

Dr. G. FERNANDEZ-DAVILA (Peru, Government and Red Cross)  
(original Spanish) -

Mr. Chairman, Delegates: The Delegation of Peru supports the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War, because its Delegate was in Oslo and at Oslo we discussed this matter thoroughly. Our reading is complete. With regard to procedure, there is a question here which, if it is not clear, ought at least to be clarified. At the Oslo meeting, the ICRC distributed a brochure, in September 1956, to all the Red Cross Societies and asked them to state their opinion on it and send in amendments or comments which they might wish to make.

I believe that all the Societies ought to have complied with this request or to have explained their opinions on the text to their Delegates, so that they could inform us here. Unfortunately, this does not appear to have been done, because if it had been done it would be very easy for a committee to collect all the comments of the Delegations and make a complete report. We could then discuss solely those Article which had been commented upon. If, therefore, this has not so far been done, the Chairman - and I wish to suggest this - could set a time limit of 24 hours or less for each Delegation to make its comments, and thus make up and approve a report on those questions which must be dealt with because they have been the subject of comments by Delegations.

Now, with regard to the substance and dealing only Article 14, the Peruvian Delegation ventured to send to Geneva a suggestion that this Article should be dropped in its entirety. I do not wish to insist on the reasons for this. Various speakers present here, with more eloquence than I, have said, and rightly so, that matters which are strictly political should not be included in Red Cross discussions. I have instructions from my Red Cross Society and the Peruvian Government to oppose completely any approval of Article 14 of the Draft Rules submitted. Thank you, Mr. Chairman.

Mr. J.A. MACAULAY (Chairman) -

With reference to the remarks made by the last speaker, all the Delegates, of course, have received the draft rules with the comments in a document of 168 pages. The International Committee refers to the number of National Societies who responded to their request for recommendations, and so I think the International Committee did its duty towards the National Societies in that respect.

Now, this document is very enlightening and very explanatory and there is a vast amount of trouble taken to prepare this commentary. I am sure that all the Delegates have availed themselves of the opportunities which were presented in that document to acquaint themselves with the steps taken by the International Committee to evolve this set of rules.

Professor N. MEVORAH (Bulgaria, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: In the lobbies of the Law Courts it is often said that questions of procedure have precedence over questions of substance, and there would seem to be some truth in this statement. Here, we have not yet settled our question of procedure and we are somewhat confused as we are dealing sometimes with substances and sometimes with procedure.

I believe that the question of procedure is very simple; we have to decide whether to discuss first of all the questions relating to the articles of the Draft Rules, and then to discuss a resolution thereon, or to start by discussing the resolution - or in other words the principles - and then to deal with the articles. It is obvious that we must first agree upon the articles, and from this basis we shall reach a conclusion, a resolution or a principle.

Personally, I find some difficulty in making up my mind, and I have heard several speakers who have rushed into the question of substance, in particular that of Article 14, a subject which should be given careful and far-reaching consideration before stating an opinion. I think, therefore, that I should make a statement, and that it should be very clear and definite since it is made on behalf of our Delegation. I wish to say that the Bulgarian Red Cross Delegation agrees with the principle of the Draft Rules, that it believes them to be reasonable and that the International Red Cross should certainly express its opinions in such matters.

I have just heard comments on Article 14 to the effect that it touches upon political matters. If politics are involved, however, we shall have great difficulty in finding one single article, one single principle, which would not, in any way and in any circumstance, touch upon politics. Of course, if we enter into the details of Article 14 and the matter it concerns, we might touch upon purely political questions; but to protest openly against war and the use of blind weapons which place all humanity, our entire civilisation, in danger, is purely a Red Cross and not a political principle. I say once more, therefore, that we approve in principle of the Draft Rules placed before us.

I should like to say one thing more; some speeches seemed to imply an opinion which may be summed up as follows; we do not say much in these Draft Rules, we are merely repeating the principles and statements expressed in other conferences and other circles.

I do not share that opinion. I believe, in fact, that the new articles correspond to the changes which have taken place in science and the technique of modern methods of warfare. If some notable change has taken place from 1949 to the present day, it is absolutely necessary for us to change our articles, and our position, in regard to what we set forth in 1949. Even if there were to be legal repetitions or, rather, a practical restatement of old principles, it would be worth while restating them again - even a hundred times - because the whole of mankind is, in fact, waiting for our declaration and we should make it. Thank you, Mr. Chairman.

(The meeting rose at 1 p. m. )

## SECOND MEETING

29 October 1957

(The meeting was opened at 3 p.m. by the Chairman,

Mr. J. A. MACAULAY (Chairman) -

There was a question raised this morning in regard to the procedure the Commission propose following and there was a suggestion too that we should deal with these rules one at a time.

Now if you refer to the background of this matter you will recall that the ICRC constituted a Study Group which gave this matter consideration and attention over a period of two years, and had a somewhat lengthy session when they called I think a number of experts to advise them in the drafting of the rules; not only to advise but to express their opinions from various standpoints.

In addition there was a circulation of the Draft Rules to every National Society, calling on the National Societies to communicate with the Committee and express their views. Views were expressed by a number of National Societies; views were not expressed by a number of others. One or two days ago the Bureau of the Conference dealt with two suggestions. Today at noon after the Commission adjourned two further suggestions came forward to the Commission. Now, it is pretty difficult when the Societies do not bring forward their views earlier, to deal with the matter in a manner satisfactory to all the Delegates.

In discussing the question of procedure I would like to refer you to two or three statements made by the International Committee in submitting the draft rules this morning,

On page 2 of the submission it is stated:

"Many resolution of International Red Cross Conference or of the Board of Governors reflect this trend by expressing a wish that Governments succeed in reaching agreement on such a prohibition and on the means of ensuring its observance".

"The ICRC, therefore considered that a solution should not be sought in drawing up a catalogue of authorised or prohibited means of warfare, but rather in making out a list of principles ensuring the safety of those who must, by general consent, be protected from attack".

In the concluding portion this appears:

"In compliance with the request put forward at the XXIIIrd meeting of the Board of Governors of the League, we have tried to give you a full and clear text, with numbered articles, which sets forth the draft rules which Governments could take as a basis for their work. We do not think there is any need to discuss it here, and to recast it - article by article and paragraph by paragraph".

"Only Governments and their specialists can draw up international conventions in their final form. This is a Red Cross meeting and not a Conference of Experts. Moreover, in the very short time available it would not be possible to reconcile differences of opinion on the wording of each article without running the risk of distorting the text of the draft with harmful results for its future".

I just wish to refer you to those statements made by the gentleman who introduced this Draft. Now, the International Committee has submitted its report on this resolution.

Every Delegate speaking on this resolution is entitled to make any suggestions or any recommendations which he wishes to make for the amendment of the Rules. When you come up to the rostrum to discuss this resolution and these Rules you are entitled to make your suggestions and recommendations in regard to every Rule contained in the Draft and when you make these suggestions and recommendations it becomes a matter of record.

If the resolution submitted by the ICRC and the report on the resolution are passed, the Rules as prepared are sent forward; the suggested changes would not then be made. If, however, the resolution put forward by the ICRC, or this resolution, as amended, is defeated, we would then discuss the rules in detail and the rules with suggested changes would then go forward.

When you come up here to the rostrum to speak on this resolution, you can say everything you want to say respecting any of these articles and you can suggest any amendments you wish to suggest. If this resolution passes, that will be the end of the discussion so far as the Rules are concerned.

The Netherlands Delegation had asked for the floor before lunch. I will now call upon the Netherlands Delegation. I may say that the Secretariat has to incorporate in the record the name of each Delegate and the position he holds in the Government or the Red Cross.

Lt. - General J. D. SCHEPERS (Netherlands, Red Cross) (original French)-

Mr. Chairman, Ladies and Gentlemen: This morning we heard a great many speeches, of which some led us into the lofty sphere of humanitarian thought. Having comforted ourselves with a well-cooked lunch, it seems right that we should deal with other matters, not less well prepared, and with more worldly subjects, that is to say, the Draft Rules placed before us.

If I have understood rightly, Mr. Chairman, you decided that we should confine ourselves in the first place to general remarks on the Draft Rules. In accordance with that decision, in my opinion the resolution of the ICRC has been submitted a little too early. We cannot come to a general decision on the matter without a general discussion. If you will allow me, I think I have a few remarks to make on the Draft Rules, and I will begin with a somewhat formal comment since it merely concerns the words "danger of indiscriminate warfare" which appear on the Agenda distributed.

This term was employed in the first Draft which the ICRC submitted for the remarks and suggestions of the National Societies in 1955. The comments of the National Societies, and the discussions in Geneva in 1956, led the ICRC to alter the title of the Draft Rules. The reason for this decision can be found in the report on the discussions of the experts (May 14 to 19, 1956). Nevertheless, I regret to see that the term which gave rise to great objections still appears in the Agenda and, in some cases, in the various commentaries on the subject.

I will now revert to the Draft Rules submitted to us. The Netherlands Red Cross, which I have the honour to represent here, highly favours the idea of endeavouring to reach a general agreement on new rules for the conduct of war. The majority of the rules now in existence were drafted and accepted in 1907 at the Second Peace Conference at The Hague. From 1907 to 1957 there have been great changes in the technique of warfare, so that new official rules, accepted by Governments, would not come amiss.

We know, however, how difficult it is to carry out this idea. I am sure that the ICRC is conscious of this great difficulty and does not wish to claim that the Draft Rules, the first submitted to the public, are already in their final form. On the contrary, we have already received a draft resolution in which the ICRC expresses the wish to continue its study of the subject. For these various reasons I am convinced that the ICRC will welcome all just criticism made in a co-operative spirit, to achieve the aim in view. Filled with admiration for the work already done, I take the liberty of making a few general remarks and, in accordance with the Chairman's decision, I will avoid going into details. As I have said, we are full of admiration for the work done by the authors of the Draft Rules; we support the basic idea of setting up new rules for the conduct of warfare. Nevertheless, if the authors remember my Society's remarks and suggestions, and my comments at the Experts Meeting in May 1956, they will certainly not be surprised at my two next comments.

The drafting of new rules for the conduct of warfare is very difficult work. It cannot meet with success unless those new rules are not only accepted at a Conference of this description but are also couched in terms that the persons responsible for the conduct of warfare, who use, in fact, the weapons referred to, are able to respect them. This result cannot be achieved without admitting that war is a sociological evil by which humanity has been accompanied throughout the centuries. This is not the time to hold a lengthy discussion on that evil; it will suffice to draw your attention to the fact that rules for the conduct of warfare will always represent a compromise between the requirements of war and the humanitarian urge to assist the victims. It is obvious that war will lead to suffering: wounded, prisoners of war, population of occupied territory and so many others. It is obvious that the humanitarian ideal - the Red Cross ideal - seeks to reduce the number of victims, to prevent suffering in all cases where it is possible.

Nevertheless, the delegates present at this Conference, who are acquainted with each other and are all animated by the Red Cross ideal, might go too far in the pursuit of their humanitarian quest and forget to pay sufficient attention to the essential needs which arise on the outbreak of war. What would be the result? Written words, approved by all, but without positive value and which would not be applied in the event of a conflict. You would thus have one more scrap of paper, which could be torn up at any time, instead of genuine rules of war, accepted and respected by all. I will go still further and say that, in my opinion, those so-called legal rules would even constitute a danger in that they would diminish the respect which now exists for the rules in general. The present rules, which are followed in most cases, would run the risk of being respected no longer. I am convinced that the Draft Rules do not pay sufficient attention to the requirements of war; equal balance, which is the aim of justice, has not been achieved.

My second point is that the Draft Rules refer in many instances to "war", without giving a definition as in the case of the word "attack". It is obvious that "war" had been understood in its normal meaning, namely, to include maritime warfare, war on land and war in the air. Here I see a very dangerous point; the technique of maritime warfare is very different to that of war on land. One of the most important weapons of naval war is the blockade; it acts slowly but surely and its effects are felt by men in uniform and civilians. If the Draft Rules are accepted as submitted, blockades would no longer be allowed. That situation would be unacceptable to the majority of Governments.

This remark has already been made, but was rejected by the ICRC. The reason for its decision, which is based on a single, very special, method of maritime warfare is referred to in the foot-note on Page 55 of the Draft Rules.

This decision does not, however, merely bear upon this particular case - it affects maritime warfare as a whole. In my opinion this is too much to ask. We should limit our efforts, and confine ourselves



to rules concerning attacks on objectives on land. In that case it might be possible to arrive at a result acceptable to all concerned, Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I would like to ask the delegate from the Netherlands whether he wants to give us any detailed discussion of the rules. He said that in view of the ruling of the Chair on the matter of procedure, he was only going to deal with the highlights of the rules, and did not want to discuss them in detail. But if he wishes to discuss them in detail, he is quite at liberty to do so.

Lt. -General J. D. SCHEPERS (Netherlands, Red Cross) (original French)-

I shall prepare a note on the subject, and I request I may be given an opportunity tomorrow morning.

Mr. J. A. MACAULAY (Chairman) -

If we can give that opportunity we shall do so, but I would like each of the delegates, to make his entire representation at one time. Otherwise we do not know where we shall be.

Mr. LYU KI CHOON (Democratic People's Republic of Korea, Government) (original Korean interpreted into English) -

Mr. Chairman and fellow delegates: We are considering the Draft Rules for the Protection of the Civilian Population from the Dangers of Indiscriminate Warfare at a solemn moment when all peoples throughout the world are very anxious to see the dangers of another devastating war eliminated and a lasting peace established on our globe. That is why the peace-loving peoples all over the world, the Korean people included, are now focussing their due attention on this gathering of the National Red Cross Societies which inherit the lofty humanitarian services as their tradition.

The Draft Rules presented to this meeting for consideration undoubtedly conform in many respects to the common desire of all the peace-loving peoples of the world. We should, nevertheless, pay our due attention to the fact that the Draft Rules, due to some limitation, cannot

fully meet the needs of the present situation in which military sciences are highly developed, and should, therefore, be partly supplemented.

As everybody knows, in certain countries, the latest scientific achievements are being used not for the prosperity and progress of the human community, but for the means of destruction. Despite the repeated appeals and proposals to put an end to the armaments race, the production and stockpiling of atomic and nuclear weapons have not ceased, and accordingly, the dangers of war are being aggravated more and more.

Today, we are also aware that the ceaseless tests of atomic and nuclear weapons have harmful effects upon mankind.

Taking into consideration the ever-changing realities, we, therefore, must not neglect to define in the Draft the measures consistent with the present situation with a view to carrying out still more faithfully our noble humanitarian duties entrusted by mankind.

Proceeding from the above-mentioned, I consider that we should focus our attention and efforts on the following points:

At the present stage, we can protect the civilian population from the dangers of war only through the unconditional prohibition of atomic and nuclear weapons and the prevention of wars.

We can never be indifferent to this iron-clad fact.

I consider that even though the Red Cross was born on the battle-field and its duties thus envisage various possible cases arising from wars, it should nevertheless exert its efforts in the interest of peace, as its ideas are inseparably connected with peace.

The Red Cross should continue to recommend to all countries that they facilitate the conclusion of an international agreement on an overall reduction of armaments, including the ban on the tests and use of atomic and nuclear weapons, and make positive efforts for establishing mutual confidence among nations still more firmly.

The Government and the Red Cross Delegations of the Democratic People's Republic of Korea deem it necessary to provide these most essential and principal points clearly in the proposed rules.

It is highly evident that unless such provisions are envisaged, it would not be possible to eliminate threats to peace and security, nor could we believe in the validity of the rules for the protection of the civilian population from the dangers of indiscriminate warfare.

Fellow-delegates, our Red Cross Societies, guided by the ideas of peace and humanitarianism, should base themselves firmly upon conscience and the traditional principles of humanitarianism and unite themselves solidly in an endeavour to save the lives of common people from all sorts of catastrophes emanating from war.

Disputes among nations should be settled through peaceful means. We have to play our just part still more positively so that in international agreement may be reached on an overall reduction of armaments, including the ban of atomic and nuclear weapons, which is the vital concern of all humanity.

In concluding, in order to enable this meeting to adopt the rules that can save millions and millions of civilians from the threat of war and make practical contribution to the maintenance of world peace, I support the proposal by the Polish Delegation to discuss this matter article by article at a special committee. Thank you, Mr. Chairman.

H. E. Mr. M. SERRANO FERNANDEZ (Chile, Government) (original Spanish) -

Mr. Chairman: What I want to say is in the nature of a simple suggestion.

With regard to procedure we should first of all give general approval to the Draft Rules, such approval having a purely symbolic value, since they would then require the approval of the Governments. With regard to the separate articles, I think we should approve as a whole those which have not given rise to discussion and only discuss those on which there is not general agreement.

Secondly, in the case of Article 14 in particular, we should decide to approve in principle the proposed wording. For the final draft, bearing in mind that the same subject is at present under discussion in the United Nations and in order not to interfere in those discussions, I think we should await the result of the United Nations' debate before giving final approval to the form and substance of Article 14. If the United Nations do not reach a decision within the space of two years Article 14 would remain automatically approved in its present form. Thank you, Mr. Chairman.

Mr. M. INOUE (Japan, Red Cross) (original French) -

Mr. Chairman: Since I have been given leave to speak about details, if I understand the Chairman aright, I shall certainly take advantage of the privilege. There is one item in the Draft Rules which attracted our attention, i. e. Article 19, in which the International Committee has considered it necessary to provide the Rules with a stipulation concerning punishment.

The Japanese Red Cross considers that there must be war criminals also in the victor countries. It is truly an injustice that war

criminals are found only among the vanquished countries. If this is the case, every country will first try to win the war rather than to obey the Rules and thus Article 19 would, in our opinion, become ineffective.

We wish to suggest to the International Committee that they should add a model set of Rules concerning international crimes, especially as regards organic rules. Naturally, I foresee a difficulty in that the legal systems of the various countries are very different. There are countries with the Anglo-Saxon system and countries with the continental system. In view of this, it is necessary to draw up and add several sets of model Rules, one set applicable in the Anglo-Saxon countries and another in the countries where continental law holds sway. In this manner, it will perhaps be possible to ensure that these Rules which are of such importance are provided with a very effective article on punishment. Thank you, Mr. Chairman.

Prince F. de MERODE (Belgium, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: We have heard many delegates since this morning, who have made extremely interesting remarks (which I find quite natural since, as you know, we have some particularly eminent persons among us). I think, nevertheless, that comments have already been made at such length, and with such detail, as to enable us to seek for conclusions.

First of all there is what I may call the technical side of the Draft Rules submitted to you by the ICRC. Article 14 has been discussed and we all have it in mind. This article raises complex problems; as you will have understood from the various speeches we have heard, it may be considered that, in some respects, the text has been outrun by events, owing to the fact that it was, I believe, drawn up some time ago and that each year, each month even inflicts some new deadly invention upon our unfortunate world. Some pertinent remarks have also been made concerning the supervision of the application of these rules, and the question of legitimate self-defence; but those matters are, to a very large extent, beyond us and, in my opinion, we should clarify our views on the principal question submitted to us.

It has been said that this draft convention has a political aspect; in some ways it is inevitable that every humanitarian convention has a bearing on and is to some extent mingled, not only with the conduct of war (which is a form of politics) but also with certain political problems. That is inevitable and was, in fact, affirmed in the document Mr. Siordet read to us this morning. Mr. Siordet said that "peace and war are a matter for Governments", which is obvious.

It is also obvious that our desires are for peace, and that it is the task of the CICR to promote the idea of international agreement

and peace. What is peace, however, in our world unless it is an equal balance between existing forces. We have of course spoken of peace to be achieved through men's goodwill, with which I fully agree, but, unfortunately, as all those present are aware, history proves that peace throughout the world has only been maintained so far by a balance of forces.

I should, therefore, like to stress this point; in saying that these rules have a political aspect, that the subject is being discussed by the United Nations and that it should not, in consequence, be discussed here, I think there is some misunderstanding for the two matters are absolutely distinct. There is the question of military defence which every State must ensure. There is, however, another plane - non-political, moral and, I may even say, philosophical - on which the Red Cross should be placed. It would be incomprehensible to the hundred and ten million members of the Red Cross movement throughout the world if the Red Cross were not to make its voice heard in this connection. If it is to speak, it must do so as the representative of the universal conscience of peoples; it must raise its voice and say that a solution be sought to the serious problem before us and, as it has been said, as I have just reminded you, questions of technique and application go beyond our scope.

I believe that I have given a summary of the various ideas expressed which may serve as a basis of discussion for all Red Cross members present and those who are not with us.

We decided yesterday that the Press could be present at all our discussions. That means that Red Cross members throughout the world will be our judges. They should understand the position adopted by the Red Cross in favour of an improvement of the conditions in which future warfare, which God forbid, would take place. All that has been said by previous speakers, and what I myself have just said, will be found in the ICRC document which Mr. Siordet read to you this morning. If you read this document carefully, you will see that most of these ideas, except those concerning questions of application, are contained therein. I therefore request you, Ladies and Gentlemen, and Mr. President, to examine this resolution now and put it to the vote, with or without the amendments proposed.

I consider that this is the best means of reaching practical results and of fulfilling our moral obligation to adopt a definite position, with a realistic knowledge of the means at our disposal. Thank you, Mr. Chairman.

Judge E. SANDSTROEM (Sweden, Red Cross) -

Mr. Chairman, Ladies and Gentlemen: I want first to speak in my capacity as Chairman of the Swedish Red Cross. I do so to introduce an amendment to the resolution proposed by the ICRC or the amendments proposed by the Red Cross Societies of Denmark, Finland, Norway and Sweden. These Societies also want to present their sincere congratulations for the very valuable work done by the Committee which we consider a very good contribution to the humanitarian efforts which it always makes. We certainly do not object to the objectives of the draft rules. I think nobody could do that. Everybody must agree that the civilian population should not be exposed to greater dangers than are a result of necessities of a war. As the Netherlands representative pointed out, the rules for conducting the war must always be a compromise between the requirements of the conduct of war and the interests of the civilian population. The difficulty is to know where that compromise line goes.

Our position in this question refers to the procedure to be followed. We think that it is not really possible to have here a fruitful discussion article by article. In that respect we agree with the Brazilian Delegate who pointed out that we would not even have time to make a complete discussion, or a discussion which would have any value.

There is also another reason for it. It is that at least we Red Cross people are not competent to do it. It is for the Governments to fix the definite lines. They have got the experts at their disposal. There has perhaps been a gap in the preparation of the draft by the fact that the Governments have not taken part in the preparation of the draft rules. It is true that this gap could be filled if the draft rules were referred back to the Committee to continue its preparatory work, and that the Committee could then ask the opinions of the Governments, or let them come into the work and give their opinions.

But there is still another reason for not continuing with the actual draft rules. We have already heard how the interest in the discussion concentrates on Article 14, and it is no doubt that if we enter into a detailed discussion on Article 14 we are necessarily taking a standpoint in a discussion that already is on foot, the discussion that is going on in the United Nations Disarmament Commission, or otherwise the discussion between the States about the atom bomb. Under such circumstances I think it is very undesirable that we should take up the question and give our support to the one or the other side.

We have also to take into consideration the policy that the Red Cross institutions, especially the League and the General Conference, have taken in this matter. We have time after time passed resolutions whereby we have asked prohibition of the atom bomb. We have even touched upon the tests of such bombs. These resolutions have not taken a standpoint in the form of a legal rule. They have just only given expression to our general feeling that something should be done to remove the danger for the population of the world in general that is created by the atom bomb.

Under these circumstances, I do not think that it is wise to refer the question back to the ICRC with a view that it continues its preparation of an international agreement. I think the best way to deal with the matter is that we just only transmit the draft without any discussion on the details of it to the Governments for their consideration.

The amendments (Document HR/25) that the four Societies that I have mentioned a little while ago want to make to the draft resolution presented by the International Committee are as follows. The first one concerns the text. They want the words "underlying principles" replaced by the word "objectives". The expression "underlying principles" has a more precise meaning. Then, paragraph (4) in the text of the resolution presented by the Committee reads: "Requests the International Committee of the Red Cross to continue its efforts on the basis of these draft rules to prepare ground for an international agreement in alleviating evils of war". We want that paragraph to be deleted. Finally, we want paragraph (5) to be replaced by the following text: "Transmits the draft rules to the Governments for their consideration". Thank you, Mr. Chairman.

General A. M. GRUENTHER (U. S. A., Red Cross) -

Mr. Chairman, Fellow Delegates: It is with deep humility that I come before you. I will complete my tenth month in Red Cross service on the day after tomorrow, and I feel that this conference has given me an excellent opportunity to learn from those of you who have served in the humanitarian ranks for many years. As some of you know, I was in the military service of the United States for 38 years, and during that long period I saw much of the suffering that war causes among civilian populations. It is, therefore, with keen interest that I have studied the draft rules prepared by the International Committee of the Red Cross. I want to take this opportunity to congratulate the Committee for its great effort in this undertaking.

You, Mr. Chairman, wish to know my specific comments on the draft rules. In general, I agree with Judge Sandstroem and other speakers that it would not be profitable for this gathering to consider the draft rules one by one. Moreover, I should like to observe that four of the articles - 8, 9, 10 and 14 - if taken together, can be considered as virtually prohibiting the use of atomic weapons in war.

I personally wish that atomic weapons had never been invented. However, I must invite your attention to a fact of history - that on this 29th day of October, 1957, the issue of the banning of atomic weapons is an extremely controversial one. There are two schools of thought representing very strong views. One, view A, says that atomic weapons, thermonuclear weapons, should be banned without condition. The other, view B, says, "Yes, we agree that they should be banned, but that action should be part of an over-all disarmament agreement".

It is my belief that the International Red Cross will not wish to take either of these sides because, in the final analysis, that decision should be made by governments after thorough discussions. In fact this problem is being discussed in the United Nations this week.

In this connection, some of the history behind the four 1949 conventions is pertinent. Those conventions, which have now been accepted by 69 nations, required between three and four months of study by experts before the drafting problems involved could be worked out, and still more time passed before the nations began to approve them. The great complexity of drafting and obtaining adherence to such international agreements as the conventions was, I thought, most cogently presented this morning by the Philippine delegate in his algebra lesson of  $2 \text{ plus } 2 \text{ plus } x$ .

My view is that we should appeal to governments to take measures that will ensure the protection of civilian populations in time of war, and that we further declare that we wish to condemn war itself as a means of settling disagreements between nations. Here is a clear objective already enunciated by the International Committee of the Red Cross in the preamble and throughout the text of the draft rules. It is an objective with which the American Red Cross and the American Government are entirely in accord. We are also in accord, and recommend for the approval of this conference, the suggestions made in the form of amendments by Judge Sandstroem in his talk just preceding mine.

I came to the Red Cross because I am convinced that we have a chance through this movement to develop better understanding among the nations of the world at a time when many points of disagreement divide them. Everything I have seen here during the past six days has strengthened me in my conviction of the vital importance of Red Cross as a force for reducing the world's anxieties and sufferings. I do hope, however, that we will be able to keep our objectives within realistic limits and not attempt too much in the circumstances which exist at this time.

I want to see the effectiveness of the Red Cross, both internationally and nationally, continued. It would be nothing short of catastrophic, it seems to me, if we were to make international misunderstandings even more acute by officially taking a stand on a controversy that already dangerously divides the nations of the world.

I hope, Mr. Chairman, that it will be possible to take action reasonably soon on this matter, so that we will be able to get on with the agenda and complete the tremendous amount of work that people all over the world have sent us here to accomplish.

I am very glad to be here and hope that during the remaining week of the conference I shall have a chance to meet many more people and further absorb the spirit which all of you have done so much to develop in an uneasy and troubled world. Thank you, Mr. Chairman.



Mr. J. A. MACAULAY (Chairman) -

In view of the fact that there are three Commissions sitting at one time and there is only one interpreter for each, we were reminded this morning that a break would be desirable on or about 4.30 because we sit till 6. The Bureau has laid down the hours of the Commissions as 10 to 1 and 3 to 6. So, I think we have just time for one more delegate to speak before we reach the hour that I mentioned. The next speaker is the Delegate from Hungary.

Professor L. RECZEI (Hungary, Government) (original French) -

Mr. Chairman, Ladies and Gentlemen: I should like, first of all, to say a few words on the Draft Rules in general. In the name of the Hungarian Government and the Hungarian Red Cross, our Delegation notes with satisfaction the Draft Rules that we are now discussing. The indiscriminate warfare of the last conflict inflicted great loss of human life upon the Hungarian people and caused immense destruction of property.

The Hungarian people are willing, therefore, to participate in any movement aiming at the sparing of human lives, preserving peace and protecting the cultural heritage. As regards the questions discussed since our meeting was opened, I should like to make a few comments. The speakers we have just heard have touched upon the most varied matters; one suggested setting up a study group; another proposed an amendment to Article 14; a third suggested the deletion of that article while the fourth wished to do away with all discussion on points of detail and a fifth suggested, on the contrary, holding a detailed discussion on each point.

We have thus had the opportunity of discussing several questions, but not one has been settled. In view of this slight confusion, I should like to say a few words concerning questions which should, in my opinion, be discussed separately.

It seems to us that unless there is absolute and unconditional prohibition of nuclear weapons, there would be no lessening of destruction in future conflicts, and large-scale and mass extermination of the civilian population could never be avoided. We believe that one of the **tasks** of the present Conference is to pass an unanimous vote for the immediate and unconditional prohibition of atomic weapons and the discontinuance of tests of such weapons. The Hungarian Delegation therefore supports the various proposals made concerning the prohibition of atomic weapons.

It appears important to me that a detailed discussion should be held on the Draft Rules. To adopt principles does not imply that we accept the text which is intended to express those principles. Whereas

the Hungarian Delegation approves of the Draft Rules in principle, it sees certain defects in the text which require to be discussed and corrected. We have been called to this Conference to discuss and to make the necessary adjustments to the Draft Rules (which contain only principles on which we agree unanimously), with a view to a future diplomatic conference. The draft resolution No. HR/6 starts with the words: "Having taken note of the Draft Rules", but a text cannot be noted before the wording has been decided by the Conference. Moreover, the text of the draft cannot be accepted as correct unless the amendments are found to be erroneous. I consider, therefore, that a detailed discussion is inevitable.

I think that the delegate for Brazil is perhaps right in saying that such a discussion might go on for months. For this reason I give my full support to the proposal of the delegate of the U. S. S. R. to set up a study to discuss all the amendments concerning corrections of the text, but not amendments of a more or less political nature, such as those, for instance, on Article 14.

May I say a few words on the subject of political matters to which reference is constantly being made? In my opinion, the numerous tasks of the Red Cross do not enable it to deal with political questions. I am also convinced that all international matters have a certain political side; each of these matters can be dealt with from its political aspect, but this possibility should not prevent us from dealing with the same questions from a purely humanitarian point of view, and finding a solution, provided the solution is approved by our conscience. Thank you, Mr. Chairman.

(The meeting was suspended 15 minutes).

Mr. L. F. MCGREGOR (Mexico, Red Cross) (original Spanish) -

Mr. Chairman, Ladies and Gentlemen; As delegate of the Mexican Red Cross Society, giving my support to the proposal made by the Philippine Delegation to refer this matter to the United Nations, I wish to explain my vote. The Draft Rules by their humanitarian character fall within the competence of the International Red Cross and, in present circumstances, contribute towards meeting the urgent need of protecting the civilian population against the destructive effects of modern arms.

My Delegation believes that this problem is of such importance that it should be studied with all urgency by all States and in some of their most important organizations. It is precisely because of this circumstance and taking into account the fact that the most efficient way of successfully achieving the proposals which inspired the Draft Rules is for the United Nations to take a decision in this respect, that the Mexican Delegation is in favour of the idea of referring the Draft Rules to the United Nations, since it is there that they can be studied to the greatest effect. Thank you, Mr. Chairman.

Dr. A. STEINIGER (German Democratic Republic, Government) -

Mr. Chairman: The draft which was prepared by the International Committee of the Red Cross offers in our opinion a useful basis for our deliberations. We are, therefore, extremely grateful for this very concrete work. Nevertheless we believe, that the draft should be completed on certain points. First of all we consider it necessary to state expressly that the undertaking of an aggressive war is a criminal action both in the moral and legal meaning of this word, and that in our age the perpetration of such a crime can be prevented by the strength of the peoples. Here we are nevertheless compelled to depart in our deliberations from the feasibility of such a war as from a fact. It is from these considerations that we propose that the first line of the preamble be modified in the spirit of our amendment which lies before you.

As also resulted from our debates the most important provision of the draft is contained in article 14. Our proposal for amending this article is also in your hands. I refer to document HR/10, in which it is contained. For the moment I will limit myself to speak in principle on this question. We will by no means deny, that it is the specific task of the Red Cross in the event of the possible outbreak of a war or some other armed conflict, to limit as far as possible the sufferings of the civilian population. Technical development of modern arms, however, compels us, if really we want to save the civilian population from the dangers to which they would be exposed in case of war, to demand from the governments the absolute suppression of these cruel arms.

The nature of chemical, bacteriological and nuclear arms inevitably leads to the point where their use will cause murderous effect not only to the fighting troops but also to the civilian population, even if an attack was not directly aimed against the civilian population. But even in such mere academic case of an attack of this kind exclusively aimed against the fighting troops, coming generations i. e. human beings who are neither participants nor initiators of the conflicts of our times, would have to suffer harm that can never be made good.

This morning it was said that by moving such amendment to article 14, as we have laid before you, we had been leaving the sphere of the humanitarian and been moving into politics. But he who speaks thus forgets - I believe - the words of the great statesman of this venerable country who only yesterday told us that in working for humanitarian ideas we must reckon with the time; or differently expressed, it is impossible to cure the dead. We cannot protect the civilian population from the effects of nuclear weapons by humanitarian words. As a lawyer, as a professor for international law at the Berlin University I do know of course that there is a border-line between the Geneva and the Hague Conventions; but this border-line is no longer as strict as it was because meanwhile the technique of the nuclear weapons by itself has changed.

It is our task either to take into account this change or to give up our humanitarian task. If we do not want to renounce this task,

we must go one step forward and request all governments to do away altogether with these weapons. This is why we submitted the amendment to article 14, which is found in your documents.

I feel sure that from the point of view of humanity, under whose eyes we work, it would be very disappointing not only if we dropped our draft, but also if we decided for an illusionary solution, which in one way or the other did sanction the use of nuclear weapons instead of prohibiting their use. Thank you, Mr. Chairman.

Mr. K. R. ZIEGLER (Austria, Government) -

Mr. Chairman and distinguished Delegates: On behalf of the delegation of the Federal Government of Austria, I should like to stress that the Austrian Federal Government agrees in principle with the objectives of the proposed regulation concerning the protection of the civilian population. At the same time, however, my Government feels that certain changes will be necessary in Articles 12 and 19 of the Draft. My delegation has circulated, or will be circulating, a document which contains the proposed change and the amendment, and I think under the circumstances, we can save time to go into the details thereof. While the Austrian delegation agrees with the numerous previous speakers that it is not useful to go into the details of every single clause, we feel that it might be useful to record our opinion on some of them.

As regards Article 14, it should be emphasised that the Austrian Federal Government is opposed in principle to any form of war, hence also to nuclear weapons and experiments thereof. At the same time, Austria is aware of the fact that the question of banning nuclear weapons must be seen in a larger context. This perspective alone will make it possible to solve this problem.

The question of banning nuclear weapons and their experiments is at present under consideration by the UNO. It might be commendable to reserve for the time a decision regarding this question to the UNO, the organisation mainly responsible for the maintenance of world peace.

The Austrian delegation would, however, be in favour of a resolution which would express the sincere hope that the present negotiations at New York will be successful, and it would also propose that the International Committee of the Red Cross, which has already made great efforts in this direction, should continue these efforts in the future. Thank you, Mr. Chairman,

Mr. J. A. MACAULAY (Chairman) -

I think the delegate who spoke just now has a representation written out which was submitted to us at noon. We may give a vote before that is printed and circulated. I suggest that if he wants to give the Commission the benefit of the contents of that, he may do so now.

Mr. K. R. ZIEGLER (Austria, Government) -

Concerning article 12, it is suggested to extend the scope of the Fourth Geneva Convention of August 12, 1949, and to allow special immunity to those organisations for the protection of civilians which clearly have the character of relief organisations. Such immunity should be granted generally and not only on the strength of bilateral agreements. These organisations are organisations in charge of the social care of the civilian population, the clearance and repair squadrons and fire brigade units. It is further suggested that these organisations should be given special distinctive badges and that these badges should be a Yellow Cross formed by two intersecting oblique beams. Its shape will be like St. Andrews' Cross.

Concerning Article 19, the regulations suggested in this article are to be amended to the effect that prosecutions, investigations, trials and verdicts are to be carried out by international law courts or commissions and not by the other party to the conflict. States or parties concerned in the conflict should not be represented in these law courts or commissions. The present formulation of the article according to which the soldiers of all the States or parties concerned in the conflict could be prosecuted and extradited is to be rejected. Thank you, Mr. Chairman.

Professor L. LE MAIRE (Denmark, Red Cross) -

Mr. Chairman, Ladies and Gentlemen: As Judge Sandstroem has underlined, the Danish Red Cross supports the points of view interpreted by him. We agree with him in the transmitting of the Draft Rules to the Governments. The Danish Red Cross thanks the ICRC for the contribution made through the draft rules which are now being discussed.

We agree with the Committee on the point of view that votes on a particular provision of the Draft Rules do not matter at present. Nevertheless, several speakers have dealt with more detailed questions in relation to the Draft Rules. Consequently, the Danish Red Cross also understands that the Chairman does not object to questions of interest to National Societies being put forward.

A question often discussed among Scandinavian Societies -

we as sea-faring nations consider this of very great importance - is whether it would be possible to make rules which would secure that mines be so constructed as to automatically become harmless after a certain time. For instance, there is still a considerable quantity of active mines in Danish waters.

Another question of special interest from the Danish point of view is the status of the members of the civil defence corps within the framework of the draft rules. The Danish Civil Defence Corps members who are unarmed, although they wear uniform, cannot be looked upon as armed forces or as auxiliary or complementary organisations to such forces. In relation to Article 4 in the Draft Rules, it is perhaps not sufficiently clear that such corps must be regarded as part of the civilian population.

It is not the intention of the Danish Red Cross to suggest any amendments to the Draft Rules. The problems I have mentioned must, therefore, be looked upon as items which we would like to be considered when the whole matter is given over to the Governments. I am anxious to stress that point of view because the Danish Red Cross is of the opinion that what is important to us all is that the debate is concentrated on the principles of the Draft Rules as such. Only thereby will this Conference have a possibility of reaching a solution and only thereby when we disperse at the close of the session shall we have the feeling that we have achieved the result which the world is expecting from the International Red Cross. Perhaps some of us could have hoped for more, but what is of paramount importance is this that the resolutions which will be the outcome of the debate will receive unanimous support. We are all under an obligation to cooperate to this end. Thank you, Mr. Chairman.

Colonel G. I. A.D. DRAPER (United Kingdom, Government) -

Mr. Chairman, Ladies and Gentlemen: I represent the Government of the United Kingdom and I would like to preface my remarks by saying that we extend our hearty congratulations to the ICRC and offer our thanks for their long and patient work and the considerable skill which they have displayed in preparing the draft rules that are now before us. All those who had the privilege of working closely and intimately with the ICRC know the many patient hours, the skill and the devotion which they put into a work of this nature. It is the earnest wish of the United Kingdom Government that the ICRC will continue their heroic and traditional efforts in the humanitarian fields. Nothing that we shall say here will in any way derogate from that.

The United Kingdom would like to say that it is apparent from the discussions that have taken place here that nearly all the Delegates consider that these draft rules require a great deal more work and a great deal more preparation before they could appear in any other form.

Patient and close study of these rules by the United Kingdom has revealed a number of legal defects, some of them of considerable substance. Let it be said at once that the United Kingdom Government is fully in sympathy with the general objective of these rules; about that there can be no shadow of doubt.

Ladies and Gentlemen, in the law of war, and particularly in the law governing the actual combat, you are dealing with something that has been built up slowly and with difficulty over a number of years. Any attempt to force into rules of law matters upon which States are deeply divided tends to undo achievements in the international legal order that have been arrived at by slow and painful development. You will remember, Ladies and Gentlemen, that to take any part of the rules of the law of war into the penal law of a State is an extremely delicate operation, and you will, I think, agree with the United Kingdom when it says that Article 19 of the Draft requires precisely that to be done.

It has often happened that when it was planned merely to restate the existing rules of the law of war upon which people thought they were all agreed, important fissures and disagreements have appeared to the consternation of many, where none were previously thought to exist. Therefore, it is the considered opinion of the United Kingdom Government that much more detailed work requires to be done by experts and others suitably equipped, and this work if it is submitted is neither possible nor feasible in this particular forum.

We must also bear in mind, Ladies and Gentlemen, that in the United Nations many of the matters germane to the subject of these rules are under active discussion at present by the Governments of the world and we, I suggest, must be patient and await the outcome of their deliberations. Bearing in mind the humanitarian purpose which has brought everybody here, there cannot be much doubt that we must all wish those Governments in the United Nations every success in the endeavours that are now before them.

In the light of these considerations, the United Kingdom has, after careful thought, come to the conclusion that the proposals made by the Scandinavian States and the particular amendment to the resolution of the International Committee formulated by Judge Sandstroem are, in all the circumstances, the most prudent and the most realistic solution of the admittedly difficult problem that now lies before this Conference. Ladies and Gentlemen, I thank you for your patient hearing.

Sir A. L. MUDALIAR (India, Red Cross) -

Mr. Chairman, Fellow-delegates: As I sat listening throughout this day to the series of debates that took place on the Draft Rules placed before us, I felt that there was need for some sort of clarification as to what we are ultimately going to do.

In the first place, I should like to say that these Draft Rules refer only to the limitation of the dangers incurred by the civilian population in time of war. To extend the scope of the rules beyond that would mean supplementary rules which may be framed later, but at the present time, the rules have limited themselves to the protection of the civilian population in time of war.

There have been a number of suggestions put forward and amendments to the articles that have been listed in this little pamphlet. I am sure that some of them are very valuable suggestions indeed which require careful consideration. But on the other hand, I do feel also that to spend the time of the conference on a detailed examination of each one of these articles would be neither feasible, nor necessary. Once we go into each one of the articles, having some experience of such discussions even in committees of other international bodies, I can assure you that we shall be discussing every little point including the place of a comma or a semicolon which may just alter the sense of the proposition. It, therefore, seems to me that if we are to be expeditious in the disposal of this very important question, for which the world looks to us for guidance more than anybody else, we should make up our minds to see that the essentials that are laid down in the articles are to a certain extent approved by us and the various suggestions considered by the relevant bodies later on. What is most important, in my opinion, is not the letter of the rules but the spirit in which those rules are meant to be carried out, and so far as the spirit of the rules is concerned, no exact definition is possible.

I, therefore, feel that my delegation would support the proposal of Judge Sandstroem in this regard that we give our general approval to these rules, but at the same time I should like to suggest that we take note of the various suggestions and forward them to the ICRC who can continue to study them and present a supplementary report. It is for the Governments concerned to have a convention established, and it is for the Governments to consider the whole of this debate in the light of what has been discussed, and I am sure that if we adopt the proposal of Judge Sandstroem and transmit for the consideration of the Governments, together with the debate on this question and any specific suggestions which the ICRC may deem fit to forward in the light of the debate, it will serve a very useful end.

After all, we have not got much time to spend. I do not mean the time factor of this conference, but the urgency of making some contribution towards the protection of the civilian population, which must make every one realise that we should take some steps immediately. On the other hand, if every one of these amendments are to be debated upon and there are discussions and differences of opinion, that would defeat the very object with which these Draft Rules have been framed. As far as the Indian delegation is concerned, we are of the opinion that the Draft Rules are the first step towards implementing some of those very desirable objectives which we have for the protection of the civilian population. There may be here and there some lacunae which can be filled up, and I would



therefore respectfully suggest that this motion of Judge Sandstroem be taken into account and accepted, and that the ICRC should continue its efforts to prepare the ground for an international agreement, taking due note of the many suggestions that have been made. If we were to get all those suggestions examined by this House - copies of the suggestions and amendments are not with us - I am sure we shall be spending many hours on what may be considered ultimately not a very fruitful discussion.

I therefore strongly support what Judge Sandstroem has said, and I am glad to say that in this respect the Government of India delegation also agrees with the delegation of the Red Cross of India. Thank you, Mr. Chairman.

H. E. Mr. A. FRANÇOIS-PONCET (France, Red Cross) (original French)-

Mr. Chairman, Ladies and Gentlemen; In face of the ever-increasing dangers incurred by innocent people through the development of nuclear weapons, it is obvious that the International Red Cross cannot remain silent. It must make its voice heard if it is conscious of its purpose and its mission, which is to spare no effort to mitigate the hardships of war and to make it less cruel (for I do not believe that war can ever be made humane) until war itself ceases to be a custom of mankind. Should, however, the International Red Cross go into details of the problems raised by this humanisation of warfare? These problems are extremely difficult. It is, of course, easy to propose, and to acquire popularity by proposing, the absolute and unconditional prohibition of atomic weapons; I must warn you, however, that by so doing you run the risk of weakening some countries and of strengthening others which, have great superiority in so-called "conventional" weapons, but do not possess such superiority in nuclear weapons.

The problem of disarmament forms a whole and cannot be dealt with in separate parts. Nor can the prohibition of the use of nuclear weapons be discussed without discussing at the same time the prohibition of the production of those weapons, or the disposal of present stocks. Moreover, prohibition implies safeguards and supervision, a matter which lends itself to endless discussion. The United Nations Disarmament Commission, and its Sub-Committee, have long had this subject under discussion. Therefore, we can only confine ourselves to making general recommendations. The Draft Rules of the ICRC, as a whole, contain excellent suggestions in this connection; it is true that some of the Rules have led to objections, and the tabling of draft amendments or suggested amendments. This does not concern only Article 14; reference has also been made to Articles 8, 9, 10 and 19. Those objections deserve to be noted and submitted to Governments for consideration, since they will help them in their work.

From this point of view, Judge Sandstroem's proposal seems to have one drawback; it appears to infer that the work of the CICR is finished; in my opinion it has just started. We must not forget that the four Geneva Conventions now in existence were not drafted, discussed and voted in six months - they required years of patient effort. This will also be the case on the question of disarmament. It seems to me, therefore, that it is highly desirable that the ICRC should continue to be closely associated with the work.

The important point today is that our discussions should lead to an unanimous text which will, in particular, reveal the deep anxiety of the peoples and their urgent appeal to be saved from this nightmare. In this connection resolutions have been submitted by the CICR and by several Red Cross Societies, including the Indian Red Cross. They are very similar. I think we should try to reconcile them and draft a text, acceptable to all, which would bring all the moral weight of the International Red Cross to bear upon the intelligence and decisions of the Governments. Thank you, Mr. Chairman.

H. E. Mr. A. SCILINGO (Argentina, Government) -

Mr. Chairman, Ladies and Gentlemen: It has been abundantly clear during the discussion, so far, that some members disagree on certain specific points, primarily perhaps on Article 14. It is also clear that in the few days we have before us, there will be no time to reconcile the differences, if indeed that were possible at this stage and in this Conference.

But I think we all agree, however, that the project is an excellent basis for discussion on the part of governments, if and when they agree to do so, with a view to an eventual diplomatic convention. This Conference will have achieved its purpose if the delegates should find it possible to concur in transmitting the Draft Rules to the Governments concerned.

This should not, however, be intended to mean that we pass this on to get rid of it. Far from it; it should be understood to represent an act of affirmation of the work, to approve a set of rules to protect adequately the civilian population from the devastation of massive warfare. If we do so, we shall have fully risen to our responsibility, we shall have discharged our duty, and rendered great service in the cause which is so close to our heart.

In the larger sense, this decision would have the significance of a message to the world, governments included, to press for a general disarmament agreement in order that the people of the world may enjoy the blessings of untroubled peace. Thank you, Mr. Chairman.

H. E. Dr. J. KATZ-SUCHY (Poland, Government) -

Mr. Chairman, Ladies and Gentlemen: The Polish Delegation would like at this stage of the debate to express its general opinions on the Draft Rules as well as to explain the reasons by which it was guided when submitting its amendments for the consideration of this Conference.

First of all, we want to stress our unqualified support for the general principles guiding the Draft, and for the Draft in its general outline. As I stated before, we studied with appreciation the work which had been accomplished by the ICRC and we consider that the Draft Rules constitute a serious step forward in the task of preventing war risks for the civilian population and even, to a certain limit, they represent a limitation of war itself.

We studied those Draft Rules, not from the point of view of our military experience, but we studied them with a memory of the tremendous losses and sufferings inflicted upon us during the Second World War, which are still deeply alive in the minds of the Polish people, perhaps more alive than in the minds of any other people. The scars and indeed the wounds of the war are still visible in Poland. Therefore, we welcome wholeheartedly any effort to prevent the repetition of such tragedies, and consider that the Draft Rules which we have before us are such an attempt. For us, they are more valuable, because in some respects, and in some of their provisions, an attempt is being made to prevent certain abhorrent things not after a war but before a war, and, at the same time, the sad experiences of the Second World War have been taken into account.

In addition, we think that the Draft Rules presented to us are fully in accord with the aims and principles of the Red Cross. Even if some of the provisions, as it was pointed out here, are to a certain extent parallel with those of the Hague Rules, this seems necessary and unavoidable in view of the close connection which exists between the problem of the methods of conduct of war and the effects of war.

It should be added that the Draft Rules are, as we stressed before, a confirmation of existing principles, and that this Draft tends to put them into a systematic order from the point of view of protecting the civilian population. The Draft recalls and reaffirms those principles.

We maintain our view expressed previously from this rostrum that a debate on some articles would be very useful. We are here in the presence of many known and esteemed personalities connected with Red Cross activities, and therefore, we could consider this Conference, if not a Conference of experts, at least a body with a number of authoritative persons with a great experience of preparing and drafting such rules. Thus, the observations which will be made here should be rather conducive to find such a draft which would be generally acceptable, while at the same time, fulfilling the needs of the protection of the civilian population.

It is obvious to us that, however much these rules may be perfect, there will be no absolute protection for the civilian population. The development and use of atomic weapons, the development of thermo-nuclear weapons, of guided and unguided missiles, of various inter-continental rockets have greatly increased the risks of war to the civilian population. Indeed, they constitute a danger to humanity itself. We consider that only a ban on such weapons could create a general protection and could guarantee that the risks will not be incurred. The Polish Government has stressed many times its support for such a ban.

To facilitate it, it even expressed its readiness to introduce a ban on the use, and storing of an experimenting with atomic weapons on its territory if both parts of Germany, the German Democratic Republic and the German Federal Republic would each agree to introduce such a ban on its territory. We made this proposal in the spirit of promoting an understanding and facilitating, through partial solutions, the solution of the great problem which stands before all humanity, the prevention of thermo-nuclear weapons. Therefore, in the same spirit at this Conference, the Delegation of the Government of Poland will support all those motions which aim to facilitate the introduction of an agreement on the banning of atomic weapons.

We do not agree with the argument that because the United Nations are at the moment discussing that problem and are divided on the issue, this Conference should leave the problem aside. On the contrary, this is a problem in which the methods of solving it by no means go by the division known generally as the East-West division.

The support of this Conference for a ban of weapons of mass destruction, the urging of this Conference for a solution, the introduction and support for partial solutions, will be conducive for an understanding, and urge the great powers to find a new approach, to proceed faster on the way towards an understanding.

As I said, we will support at this Conference such resolutions and amendments which will aim at helping to introduce such prohibition of atomic and thermo-nuclear weapons even if this would be only a partial solution and only restricted to a limited zone.

May I, Mr. Chairman, with your permission now rest briefly on the amendments which we have introduced (Document HR/22). As I stated, they have, by no means, been introduced as a criticism of the Draft Rules. Their aim is to bring more precise drafting and to draw the attention of this Conference and of the ICRC to some aspects which the problem may represent.

We consider, first of all, that the preamble which precedes the Draft Rules in its first paragraph is too vague and too general. I know this Conference has not been called upon to decide whether it is for peace or for war. But, I am sure, if you ask this Conference whether it is for

peace, the unanimous reply would be in the affirmative. However, since many international acts generally adopted have introduced a ban on war, as means of solving international conflicts, we think that these rules should be more precise and should refer to that. The Kellogg Pact, and later the Charter of the United Nations, and later in a much more and in much stronger manner both in its preamble and Article I and more precisely in paragraphs (3) and (4) of Article II have introduced an obligation to refrain from the use of force. This Charter has been signed by many nations and accepted by all those who have since acceded to this Organisation. Therefore, our amendment aims at the direct reference in the Preamble to the binding principles of international law and to the principles of the Charter.

We consider some other changes also; perhaps, they are only drafting changes but, in our opinion, none the less important. In Article 2, we consider that the expression "armed conflict" is not precise. We would like to see the word "International" added.

We would like to see in Article 3 the word "all" added to "acts of violence". In Article 4, in paragraph (a), we propose the deletion of "complementary organisation" because that gives too vague a description under which during a war - which I am sure will not happen again in our generation - may open very loose ways of interpretation. We consider that in Article 5 the word "expressly" is unnecessary. International Acts indirectly referring to the ban are equally an obligation to be adhered to, as those which do so expressly.

Article 14 has been the subject of many remarks here. We consider it only as a temporary and partial solution. It is quite clear that this article could be reinforced and should be reinforced by more precise banning of certain weapons. As I said, we will support amendments in this respect. We wish only to add to this article "the prohibition of the use, the storing and the testing of atomic weapons".

In the last paragraph, we want the prohibition to apply to both weapons of delayed as well as hidden action. I speak here from the experience of Poland during the Second World War where there was storing of certain weapons and the testing of certain weapons. Poland had been made a testing ground for certain weapons - just like the V-1 which brought so many losses to the United Kingdom during the war; they were tested in Poland with loss of civilian population. Some bacteriological experiments were made in concentration camps in Poland. Even today, Gentlemen, we are finding innocent looking pieces of weapons with hidden action. For the same reasons, we want to have an amendment to Article 15 which will order those who lay minefields to be under an obligation to deliver charts for disarming those minefields. I will give you a small figure to show you why we are so concerned. So many years after the war, in the past year alone, we had over 100 dead and mortally wounded by the mines and weapons of delayed action left by the war in our territory.

With regard to Article 16, I am not reading our amendment on

this, because it will be distributed. Article 16 concerns the open city. We would prefer to recast the definition of an open city so that it may be of an obligatory character not leaving too many loopholes for a voluntary action.

Finally, we consider that the provisions envisaged in Article 20 are insufficient. The mere information of the Armed Forces of the rules and the provisions for their application is in our opinion not sufficient. The experience of the Second World War fully proves it. Therefore, we would like to see an obligation on the part of the parties to the Draft to introduce into their legislation provisions which would bring into force on their respective territories sanctions against persons having committed or ordered to be committed any infringement against the present Rule.

Those are, in general terms, our amendments and our remarks regarding the Draft Rules for the limitation of dangers incurred by the civilian population as prepared by the ICRC. As I said, they are completely in accord with the spirit of these Draft Rules and are, in our opinion, of such a nature that they could not be opposed by anyone who seriously thinks of adopting rules which could protect the civilian population. Thank you, Mr. Chairman.

Sir Peter MacCARTHY (Australia, Red Cross) -

Mr. Chairman, Ladies and Gentlemen: The Chairman has pointed out that the Draft Rules are the result of a request by the Board of Governors that the ICRC should continue its work of investigation of the subject of the protection of the civilian populations. These Draft Rules, as you have pointed out, were submitted to the several member societies of the League for expression of opinion by them on the draft. The ICRC should after this Conference be in a position to consider what further draft it should make in the light of those opinions and of the others expressed at this Conference. The ICRC cannot at this stage put before us what further action it may propose to take and whether the rules will be found practicable and acceptable to the Governments can only be guessed at.

The attitude of the Red Cross to war weapons is not in doubt. The Australian Society agrees in principle with the purposes of the Draft and has submitted certain suggestions for its improvement; we trust that it may prove of assistance for the furtherance of the objectives of the ICRC. Thank you, Mr. Chairman.

Mr. O. KHLESTOV (U. S. S. R., Red Cross) (original Russian interpreted into French)-

Mr. Chairman, Ladies and Gentlemen: During the morning meeting, the Soviet Delegation made certain remarks solely concerned with the Draft Rules for the protection of the civilian population in the event of an armed conflict. The Soviet Delegation now thinks it necessary to express its views on the essential points of the Draft Rules submitted.

As we know, the role of the Conventions for the protection of war victims is very important and the fact that those conventions exist can contribute towards a lessening of the horrors of war. The Soviet Delegation considers that the part played by the Conventions for the protection of the population during the war, and the role of the Fourth Geneva Convention, drawn up in 1949, are very great, but there is something lacking in that Convention, i. e. it only concerns the protection of the civilian population in occupied territory, and I wish to recall that the Soviet Delegation made reservations on the subject at the time of the signature of the Convention in 1949.

There have been submitted to this Conference Draft Rules for the Limitations of the Dangers incurred by the Civilian Population in Time of War, drawn up by the International Committee of the Red Cross. The Soviet Delegation considers that the contents of the Draft Rules are founded on humanitarian principles and can serve as a basis for discussion. Article 14 of the Draft Rules, concerning the use of atomic and hydrogen weapons, is not sufficiently clear; the Soviet Delegation is of the opinion that the wording of the provisions on the subject which appeared in the first draft in 1955 was better, and that the present Draft Rules, compared to the first version, are a step backwards.

The Red Cross is here to carry out its task, and its first duty is to defend peace; to defend peace we must state our views on the prohibition of atomic weapons.

The International Red Cross expressed its opinion on the prohibition of blind weapons by Resolution No 24 voted by the Stockholm Conference. Our task now, therefore, is to include in the Draft Rules the opinion expressed in the resolution of the Stockholm Conference. The Soviet Red Cross, guided by the humanitarian principles of the Red Cross, has always recommended, and continues to recommend, the total prohibition of atomic and hydrogen missiles. It therefore proposes that Article 14 should be worded to express clearly such prohibition; we suggest the following.

"Without prejudice to the present or future prohibition of certain specific weapons, it is strictly prohibited to employ, during an armed conflict:

- (a) atomic and hydrogen weapons,
- (b) chemical and bacteriological weapons,
- (c) and other weapons of mass destruction.

The Soviet Delegation considers that Articles 2, 7 and 17 should again be examined, and that another article should be added to the Draft Rules. The purpose of all the amendments of the Soviet Delegation is to ensure the full legal protection of the civilian population. These amendments have been deposited at the Conference Bureau and will be distributed to the delegates (Document HR/20).

I should like to say that although some delegates have stated that it is not the work of the Red Cross to draft conventions for the protection of the civilian population, everybody is aware that the Geneva Conventions were elaborated by the Red Cross, and were later adopted by the Diplomatic Conferences. For instance, the text of the Fourth Geneva Convention, adopted in 1949 by the Diplomatic Conference, was elaborated by the XVIIth International Red Cross Conference.

Why cannot we follow the order already laid down by tradition? We can establish here, in an absolutely final form, the Draft Rules submitted by the International Committee for their future submission to the Diplomatic Conference. The Soviet Delegation is of the opinion that if the Conference confines itself to placing on record the speeches of the delegates, it will not be taking the measures required for setting up the Draft Rules in their final form; the Conference would not, therefore be performing its duty.

The Soviet Delegation is of the opinion that, to ensure the maximum result of the work in connection with the Draft Rules, a sort of Drafting Committee should be set up composed of 8 to 10 persons. While the International Humanitarian Law Commission deals with other items of the Agenda, this Committee could examine and study all amendments suggested by the various Delegations and prepare a draft text and articles which could then either be unanimously approved by our Commission, or which would be the closest to the various opinions expressed. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I have to make an announcement. The Delhi State Branch of the Indian Red Cross Society is giving a buffet dinner at 8. 15 p. m. at the Imperial Hotel to the Delegates and their wives, and they are cordially invited to this function. The invitation is not limited to the Delegates alone. The invitation includes their wives.

We now adjourn until 10 o'clock in the morning, tomorrow.

(The meeting rose at 6. 15 p. m. )



## THIRD MEETING

30 October 1957

(The meeting was opened at 10 a. m. by the Chairman, Mr. John A. MacAulay)

Judge U. AUNG KHINE (Burma, Red Cross) -

Mr. Chairman, Fellow-Delegates, Ladies and Gentlemen: It is with great diffidence and trepidation that I venture to come to this rostrum to let you know what a small country like Burma thinks of these rather stupendous problems. However, before making my statement, I wish to associate myself with others in paying tribute to those responsible for the skilful drafting of the rules before us. These rules certainly justify the amount of valuable time spent and hard work put in to bring them out.

Yesterday we heard with profound admiration the various opinions expressed and cogent reasons advanced in the speeches made in regard to these Rules. Some have found legal flaws in the Rules while others were of the opinion that the Rules were not explicit enough. There were still others who would accept the Rules as they stand. We have given considerable thought to this great problem and after mature consideration, we are in agreement, with the greatest respect, with the opinion put forward by Justice Sandstroem that we accept these Rules in principle and refer them back to the International Committee to solicit the opinions of the various Governments.

On this momentous occasion, I hope you will bear with me patiently while I take this opportunity to express the feelings of our people. In doing so, I am sure I am voicing the sentiments of the people of other small countries as well. We, who have suffered the pains and agonies wrought by the last war, dread the coming of another war, more because we have learnt the great strides that have been made by science in the manufacture of highly destructive weapons, weapons destructive beyond imagination. The secrets of making these weapons are with the big nations; to them specially this appeal is directed. I bring the expression of our fear to this forum deliberately, with the knowledge that from all the four corners of the globe have come to this Assembly the leaders who are dedicated to the cause of the Red Cross, to raise the tone and to raise higher the principles of Red Cross. Certain Delegations have said that whether we should have war or peace is a matter that concerns the Governments, and that Governments alone would decide as to the use or otherwise of these highly destructive weapons. This is certainly a gloomy prospect. Therefore, we hail with joy the sentiments expressed by some other Delegation urging this Assembly to formulate a resolution calling upon all Governments to ban the use of atomic, and thermo-nuclear weapons. Red Cross, we must bear in mind, is as much dedicated to the prevention as to the mitigation of suffering.

The day before yesterday that eminent statesman, the Prime Minister of India, made an appeal for a realistic approach to this problem. He rightly said that the constant fear and hatred engendered by the cold war is the creation of the tortured mind of humanity and that in these times of conflict, suspicion and hatred, it is this tortured mind of men that needed the healing touch. He thus reached the very core of the problem and the practice of tolerance he advocated, we consider, is a virtue on which the principles of Red Cross can properly be advanced.

Therefore, our Delegation, in a spirit of profound humility, would endorse the view that this Assembly should take steps and not spare its efforts to achieve not only an effective ban on the use of blind weapons, but also to ensure the stoppage of their manufacture. This is the appeal we have to make. Thank you, Mr. Chairman.

H. E. Mr. P. E. NAGGIAR (France, Government) (original French) -

Mr. Chairman, Ladies and Gentlemen: At the present stage of the discussion, all that could be said concerning the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War has been said. Some of us consider the Draft Rules to be too precise and too extensive, others think them inadequate.

It seems to me that in criticising them - with the best intentions I am sure - nobody has done full justice to this remarkable document, the nature of which they have not fully understood. They have given a too literal meaning to the word "Rules" without giving proper attention to the word "Draft" which is also included in the title.

The document submitted to us is merely a draft. A draft is never complete nor final. I would go further: a draft is never more than a closer study than usual of a subject. To make it easier to follow and to help us in our deliberations, the International Committee has submitted to us its very painstaking draft in the form of a preamble and 20 articles, as though it were a treaty to be concluded between States. This, of course, is out the question and the International Committee never meant it to be considered as such.

Over almost a century of existence, the Red Cross has rendered undeniable services, which all of us hope will expand still further in the future, and it is too well aware of its own admirable role for it to venture into the closed, difficult and controversial field of relations between sovereign States. Moreover, it was not its intention, as some have inferred, to use the Draft Rules as a means of influencing the decisions of Governments. None of us here is a plenipotentiary. We cannot negotiate a treaty, and certainly not sign one, even ad referendum. The problems before us are so complex, attempts to solve them require to be made with such care and the progress of science is so rapid, that

even in discussion we should confine ourselves in all humility to the adoption of temporary, practicable and, I must admit, uncertain measures.

If we can speak of progress in connection with war - that terrible thing which Leonard de Vinci described as "bestial" - if we can speak of progress in regard to the means of killing our fellow-men, we have absolutely no guarantee that, perhaps in the very near future, the frightful weapons of today may be made obsolete by the advent of still more up-to-date methods and weapons with increasingly destructive effects. Will not lethal radiation be superseded some day by other forces, for instance by ultrasonic waves which could, apparently, bring death on a greater and more universal scale.

Against these present and future risks, there is only one real remedy - a general disarmament under efficient supervision. It is not enough to make certain weapons unlawful, nor even to outlaw war as the Briand-Kellog Pact did in 1929. We must go to the root of the problem. It is obviously of a moral nature, but part of it is material and positive, namely general disarmament under supervision, which concerns the Governments.

For this fundamental reason, while making certain reservations on a few items of the Draft Rules, in particular Articles 8, 9, 10, 14 and 19, I am prepared, in the name of the French Government, to approve any resolution whereby the Conference, after paying a tribute to the admirable work of the ICRC, would submit the Draft Rules to all Governments without distinction.

I am sure Mr. Chairman, Ladies and Gentlemen, that the Governments will make use of the Draft Rules and, speaking on behalf of the French Government, I am sure that it will also co-operate with other Governments in showing to the world a picture of that kind of international understanding which France would so much like to see. It is on the note of hope and confidence that I wish to end, in the certainty that our Chairman and you, Ladies and Gentlemen, fully share the views I have expressed. Thank you, Mr. Chairman.

Mr. F. SIORDET (Vice-President of the ICRC) (original French) -

Mr. Chairman, Ladies and Gentlemen: Yesterday morning, I had the honour, in the name of the International Committee of the Red Cross, of submitting to you the "Draft Rules". The International Committee voluntarily refrained from taking the floor during the day; having submitted its work, having said what it had to say, it wished, first of all, to listen to the opinions expressed. We have heard and noted these opinions with the keenest interest. I am speaking now, not to add anything to what we have already said but to clear up any misunderstanding as to the position of the ICRC and what it is asking of you. The International Committee would like its intentions to be perfectly clear to everybody.

I merely wish to state, therefore, that in elaborating the Draft Rules the International Committee has been ambitious - as the Red Cross should be. It saw what could be obtained for the protection of the civilian population by developing or reaffirming the rules of law. If the Committee has been ambitious, however, it has also been modest as it is its duty to be. It has borne in mind that we are holding a Red Cross Conference and not a conference of experts. Our draft has not yet reached the stage of an official study by Government Experts. For this reason the International Committee has submitted to you a resolution couched in very moderate terms (which some, in fact, consider too moderate) and I hope, in giving you this explanation, to reply to some very varied opinions expressed here, ranging from those of the representative of the Netherlands - who was one of the experts consulted by us and whose friendly and frank opinions we always highly appreciate - who said that our Draft Rules being premature, were of little value, to those of the delegate of the Union of Soviet Socialist Republics, and others, who consider that, as at Stockholm, we can draw up here and submit to Governments the actual text of a convention.

As I said yesterday, only Governments and their experts can decide upon the final text of conventions. The matter, at the present stage, is being discussed by the Red Cross, and the Red Cross can only decide here on principles. By suggesting, through our draft resolution, that we should be able to continue our work with a view to the elaboration, some day, of the international convention to which we all aspire, we were conscious that further stages had first to be passed, in particular that of a conference of Government experts. Further, let me remind you that it is not the intention, nor within the competence, of the International Committee to convene a Diplomatic Conference; that is a purely governmental matter which is quite beyond us. Moreover, the Commission is too pressed for time for it to attempt to reconcile, without running the risk of changing the character of the Draft Rules and jeopardising their success, the divergence of opinion which may rise as to the wording of each article.

May I ask you to refer to the Commentary on the Draft Rules that was published over a year ago. You will see on Page 26 of the French text (Page 26 in the English text and Page 27 in the Spanish) under the title "Form of the Draft" that it is said:

"In several instances surprise was expressed in the Remarks and Suggestions on the Draft Rules (1955) that the provisions should have been given the title of "rules". In reply to a question on the subject, the Experts (1956) went on record as being unanimously in favour of a draft international convention, rather than as a mere declaration on principles".

Here I should like to point out that the International Committee showed more caution than the Experts, and continue my quotation:

"However, the ICRC thought it preferable for the draft to retain its character of a set of rules, rather than to take the form of an international convention, for the following specific reason.

When preparing the new Geneva Convention, the ICRC was in a different position in that its proposals had been approved by Governments, and the work was being done with the assistance of Government experts. At its International Conference in 1948, the Red Cross was, therefore, able to discuss an instrument conforming in every respect to the requirements of a draft convention.

In the present case, the preparatory work was carried out entirely within the confines of the Red Cross movement itself, and it cannot be said that it was also done on behalf of Governments, even though it is primarily for their consideration that the proposed rules have been drawn up. In the present instrument the Red Cross is not, therefore, submitting a complete draft Convention - that is to say, a document containing all the clauses of a technical or diplomatic nature usually to be found in an inter-governmental agreement".

Further on it is said (Page 27):

"Should not the Red Cross, at this stage, be mainly concerned to formulate and then solemnly proclaim the fundamental rules for the protection of the civilian population which it desires to see respected under all circumstances, while at the same time avoiding three pitfalls to wit: establishing rules of too technical a nature, the primary concern of the military experts; prescribing prohibitions a matter which comes within the province of Governments; or finally giving the impression that war is justifiable in any circumstances?

With this in mind, the ICRC has confined itself to drafting rules which represent standards applicable to the international community....".

I have taken the liberty, Mr. Chairman, of recalling what the International Committee's intentions were from the very beginning, for we must always bear in mind that we, the Red Cross, can do what we are competent to do, and we must remain within our own particular province. If this is the case, and if the Conference is conscious of what it can do at this - still the preparatory - stage of the work without going outside its terms of reference, it will not be difficult to agree upon a draft resolution - that of the ICRC or a more suitable text - which would meet with unanimous approval on a minimum of items acceptable to all (however divergent opinions may be) as to the form and final text of the

Draft Rules. The items in question are: the need for the protection of the civilian population, the need for the rules to ensure this protection and, lastly, as we requested, the issue of a mandate to the ICRC - in accordance with its statutes and its traditional duties - to continue its work, taking into account all the opinions expressed here which will be most valuable later on for those who, after us, will elaborate the rules which we all desire. Thank you, Mr. Chairman.

Mr. TON THAT TUNG (Democratic Republic of Viet Nam, Red Cross)  
(original French) -

Mr. Chairman, Ladies and Gentlemen; As the head of the Delegation of the Democratic Republic of Viet Nam, I wish, first of all, to thank the Conference for having granted us full powers to take part in these discussions.

The various speakers who have come to the rostrum differed in their views on one particular item of the Draft Rules submitted by the ICRC: Article 14, Chapter IV, concerning thermo-nuclear weapons. Some ask for these weapons to be prohibited; others say "It is a political matter", or "It is a matter for the United Nations" or "It is a matter between the East and the West".

This is not the case; it is a far more serious matter which threatens the very fundamentals of the Red Cross. It gives some nations the right to destroy, without discrimination, the civilian population. War is a fact that we accept, in spite of its horror. Indiscriminate destruction of the civilian population is a crime which the justice of nations cannot prevent, and to which only the human conscience and the human desire for peace can put an end.

Is it still possible, at this stage of our civilisation, that the human conscience can refrain from giving vent to its horror at the idea that a part of the human race could suddenly be annihilated? Is it possible that we could let the innocent and the guilty perish together? The cry of wounded humanity still rings in our ears.

We have been misled; at the very beginning of our discussions we were told (with a view to lowering our morale) that our decisions would only count as scraps of paper. Our meeting is not a meeting of jurists, or military men or experts; it is a meeting of all races and all nations, of men and women of goodwill who have given the best of themselves to the Red Cross. This meeting represents the moral conscience of peoples and its decisions, if it has the courage to make them, will raise a moral barrier which no State will dare to cross,

For this reason the Red Cross of the Democratic Republic of Viet Nam, conscious of its responsibilities to history - which always

reviews the judgments of men - again affirms that it is our duty to discuss Article 14 which, if it is deleted as suggested by some delegates, would reduce the entire Draft Rules to a worthless scrap of paper. I thank you, Mr. Chairman, for having allowed me to speak.

H. E. Dr. P. GREGORIC (Yugoslavia, Government and Red Cross) -

Mr. Chairman and Fellow-Delegates: Permit me in the name of the Yugoslav Government Delegation to say a few words in connection with the general discussion of the draft rules. I have the impression that although many speakers have tried not to give any political character to their interventions, still some statements were political. Instead of endeavouring to define the policy of the International Red Cross, the policy of humanity which is the backbone of the whole of these draft rules, we have gradually departed from the basic Red Cross task, so that finally we are in a situation to have before us a proposal for the Red Cross to leave aside the task of the protection of civilian population as not being a task of the Red Cross. In our opinion, we are taking away from the International Committee of the Red Cross the mandate to work in the field of development of humanitarian law which it started in 1863. We are rejecting the traditional practice followed in all the humanitarian conventions - to say in a military way, we are withdrawing from the humanitarian battlefield.

It seems to us that we do not want to deal with the problem which is one of the fundamental tasks of the Red Cross, the problem of the protection of civilian population. We do not cope with that problem; on the contrary, we withdraw ourselves from that field, instead of making constructive proposals.

It has been stated that this is not a task of the International Red Cross and its organ the International Committee, being a question purely political in character, and that we have to wait until the United Nations or other international organisations give answers to various questions particularly the question of the ban on nuclear weapons, and that the whole thing should be handed over to the Governments. This is not correct. Regardless of the political aspect of these Rules, it cannot be denied that they are markedly humanitarian in character. Today we must in principle decide whether humanitarianism is the basic aim of these rules, whether the civilian population should be protected against the effects of nuclear and other so-called classical weapons, or it should not be protected. I am asking you whether you think the existing system of legal protection is satisfactory or not.

In our opinion these Rules fill an important gap in the system of the legal protection of the civilian population, but there is no doubt that the Rules are not perfect. Amendments could be given to many of them. However, the Yugoslav Delegation considers that this is the task

of a group of military and legal experts, a task which requires a certain period of time. That would be the preparatory task to be carried out by the ICRC. This is a matter in which Government as well as Red Cross experts should take an active part. This is the only realistic way to achieve the object we have in view.

For the reasons mentioned above, the Yugoslav Delegation is of the opinion that this Conference should declare itself in favour of the protection of the civilian population, that the Red Cross should be competent to deal with this problem and that the ICRC should be given a mandate to continue the work it has started. Thank you, Mr. Chairman.

Lt. -General J. D. SCHEPERS (Netherlands, Red Cross) (original French)-

Mr. Chairman, Ladies and Gentlemen: I wish to ask permission to speak, first of all, on the subject of the resolution submitted by the ICRC and the amendments put forward by Judge Sandstroem.

The Netherlands Government and the Netherlands Red Cross are full of admiration for the work that has been done by the ICRC. Our country has itself made a modest contribution towards the development of humanitarian law and we know how difficult the subject is. For this reason we sincerely admire the International Committee's work and we hope that we shall find the means of enabling it to continue its efforts in this connection.

For this same reason, we suggest a change in the amendment submitted by Judge Sandstroem, i. e. to replace Paragraph 4 of the draft resolution submitted by the ICRC by the following:

"Hopes that the International Committee of the Red Cross will continue to pursue its efforts for the protection of the civilian population against the evils of war".

I hope that the Conference will accept this proposal.

As I have said, I now wish to speak of the Draft Rules and to express my doubts as to whether we know exactly what we want. Draft Rules have been submitted for our discussion; are we to discuss them or not? One says: "Yes, we must discuss every detail and all the amendments"; the ICRC and others say: "No, we do not wish for this; we are holding a Red Cross Conference and not a conference of experts". I quite agree but when Draft Rules have been submitted they have to be discussed.

We can discuss the Draft Rules themselves because, in their present form, we all agree that they will never become an international convention. No Government in the world would ever accept the rules, as they are now, as a convention. If we are to arrive at a convention which



will give even some slight protection to the civilian population during a conflict we must proceed with great moderation, step by step, slowly and surely, in order to reach a result which will be acceptable to and respected by all concerned. If we (the Netherlands Red Cross) put forward amendments, our aim is not to draft the final text of an international convention but to suggest ways and means of bringing the Draft Rules within the bounds of possibility.

It is neither necessary nor desirable to express mere wishes - which the authors of the Draft Rules have, in my opinion, done in some instances - since wishes do not make law. If we are aiming at drawing up a legal text we must be careful, we must consider all the interests involved and make a final decision. This is possible with regard to the laws of war, even if the result falls short of what we wish for. On the basis of my general remarks of yesterday I wish to submit several amendments made in the same spirit.

First of all we have the title: "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War". This is a very fine title but does not cover the contents of the draft or what it is possible to achieve; war is total and on a wider scale than that set forth in the draft. The title should be replaced by the following: "Draft Rules for the Protection of the Civilian Population from the Danger of Attacks upon Military Objectives on Land". This title covers a possibility; the other does not.

Then there is the Preamble. I should like to make a personal remark in this connection because the Red Cross Society that I represent is not concerned with the cause of war, it is only concerned with the victims; I myself, having made a study of war as a sociological evil over the past ten years, can assure you that to refer to war as "a means of settling disputes between man and man" is a mistake. War is not that; war is something quite different and is not waged with the aim of settling disputes. War never does this - it never solves a problem, it creates problems and of a very serious nature.

As the representative of our Red Cross Society, I consider that it would be better to delete the last paragraph of the Preamble and to insert it in the text of the Draft Rules. This paragraph reproduces the Martens Clause of the IVth Hague Convention in another form. Whether a preamble is legally binding is still a moot point. To avoid such discussion, and any doubt, the rule contained in Paragraph 4 should be inserted in the articles of the Draft Rules, i. e. in Article 1, and the official wording of the Martens Clause of the IVth Hague Convention should be used.

Article 1 of the Draft Rules starts by repeating, in another form, an article of the Hague Rules annexed to the IVth Convention; this is a mistake; if the rules exist they need not be repeated. This must be deleted to avoid doubt and misunderstanding.

Article 1 refers to "military resources" but this expression does not appear elsewhere in the Draft Rules. Why should it be used here; it would be preferable to set forth as a general rule: "Parties to the conflict shall leave the civilian population outside the reach of armed attacks". This rule serves as a basis for the Draft Rules as a whole.

The reference, in Article 3, to "acts of violence committed against the adverse Party" is too far-reaching; it would involve all forms of warfare, whereas the Draft Rules should be confined to military objectives on land. In Article 3, therefore, the words "the military objectives on land of..." should be inserted between the words "against" and "adverse party".

A purely legal objection can be made concerning Article 5; the word "already" should be deleted because it might be argued that future rules of law could not be put into effect since only the rules "already" in existence were applicable.

Article 6 contains a confirmation of Article 1. It would therefore be preferable, for this reason, to state at the beginning: "According to the provisions of Article 1, Paragraph 1, attacks directed against .... are prohibited", thus linking it up with what precedes and follows, and to delete the words "as such" which, as applied to the civilian population, are superfluous. This is all for the first paragraph.

As regards the second paragraph, the words "means of transport" should be deleted because no airman flying at some height could see whether means of transport were being used for the exclusive use of the civilian population. This could not be done and we must not try to insert anything which is impossible in the Draft Rules.

In Article 8, the words "or launching" in the first line should be deleted, as they are again likely to cause confusion between this Article and Article 9. Article 8 deals with the responsibility of a person ordering an attack to be undertaken and the words "or launching" may lead to confusion. If, in an exceptional case, the same person were to order, launch and carry out an attack, his responsibility would be involved under both Article 8 and Article 9.

It would be preferable for Article 8 to be followed by Article 10, because the rule in Article 10 is very closely related to the provision in Article 8, under (b). If this substitution is agreed upon, Article 9 would become Article 10 and vice-versa.

However, in Article 9 as at present worded, the second paragraph should be deleted. It has no place in rules of law. Another point arises in the last paragraph of this Article; instead of saying "the conditions set forth above", it should read "the conditions set forth in this article".

Article 10, to be changed into Article 9, and closely associated with Article 8, should start in the following terms: "The provisions of Article 8 (b) are also applicable in the case of ....". Article 10, however, is too far-reaching since it prohibits the bombing of target-areas even if only empty dwellings were situated in between the military objectives.

We suggest, simply as a change in arrangement, that Article 13 be added to Article 11, as a third paragraph; there is no point in its being inserted as a separate Article.

As regards Article 12, Paragraph 2, why should it be mentioned in Draft Rules that the Parties can conclude agreements? Even without a convention the Parties can always come to an agreement. What was meant to be said was something quite different - it is an attempt to provide special immunity for members of civil defence bodies and that again, Ladies and Gentlemen, is impossible. No airman has ever been able to distinguish whether a man in the street is a Red Cross worker, a member of a civil defence unit, a policeman, etc. The civilian population, however, that is to say persons who do not wear uniforms, who are not defined in Article 4, are already protected, and attempts to extend this protection will meet with difficulties, as I explained at greater length in Geneva. From the legal point of view this is an error.

I now come to Article 14. I must first of all explain to you a rule for the conduct of warfare, in order to draw a conclusion on the subject of Article 14. Some of the rules for the conduct of warfare contain, for instance, prohibitions concerning the misuse of the Red Cross flag: the misuse of the white flag; the use of dum dum bullets (which explode when entering in contact with a human body). Well, Ladies and Gentlemen, these rules are respected; why? Not because they appear in black and white in a convention, not because all governments are convinced that these rules are good, and that to violate them would be a moral sin - a proof of wickedness. Even in the most difficult circumstances, no government would order its troops to use dum dum bullets or to make improper use of the Red Cross flag. Such a position does not exist and cannot occur. Nevertheless, this does not prevent people from carrying out such practices but, if they do so, they commit breaches of the rules and defy the orders issued by their government.

Now, what is the aim of Article 14? Do you believe that governments which possess atomic weapons are convinced that the use of those weapons is a moral sin, that it is a proof of wickedness? So far I have seen no signs in this direction. All the governments which possess the weapons make tests which are not made public. They discuss the matter of prohibition in the Disarmament Commission, but they do nothing which leads us to believe that, even if their vital interests were at stake, they would be ready and willing to admit that it is wicked, morally wicked, to employ atomic weapons. In fact, all that we know is that those governments are prepared, while carrying on their tests, to use their weapons if need arises.

Can you believe that if a conflict should break out, and people's vital interests were to be at stake, that governments would hesitate, on moral grounds, to make use of such weapons? No. If there is no conviction that a rule refers to something which, from the moral standpoint, is bad, it should not be placed in a draft convention; there should be no question of it becoming a rule in international public law. Otherwise we should have a text in print which would not be admitted and respected by everybody. As an agreement will never be reached - we may perhaps come to an agreement here, but in any case not the governments - we should delete Article 14; it goes too far.

Article 15 refers to the VIIIth Hague Convention concerning maritime warfare; we must delete this also.

In Article 16 the first paragraph states that the Parties to the conflict "shall cease from all attacks on the said town, and refrain from any military operation the sole object of which is its occupation". This is not what the ICRC meant to say. If we refer to the Commentary, we shall see that the paragraph should finish at the word "town", and continue with the words "The said town may only be occupied by ground troops moving in by road". This is what the International Committee intended to say. The sentence at the end of the Article: "All attacks shall be suspended during the institution and operation of the investigatig measures", is too far-reaching; the attacks against the town should be suspended but no others.

We can see no objection to Article 17, but as regards Article 18, I must say with regret that the wording in French is difficult to understand. The grammar in Article 18 is faulty, owing to the fact that two paragraphs have been joined together, i. e. "States not involved in the conflict . . . . are invited to . . . . and preventing either of the Parties to the conflict from resorting to measures. . . .". This wording is unacceptable and could be altered as follows:

"A State or States, not involved in the conflict, and also various appropriate organisations may, on their own initiative or at the request of either of the Parties to the conflict:

- (a) draw the attention of either of the Parties to the conflict to a breach of the rules committed by that Party,
- (b) do everything possible to prevent Parties to the conflict having recourse to measures contrary to these rules.

The use of this right shall never be considered by either of the Parties to the conflict as an unfriendly act".

The addition of the last sentence is necessary as difficulties might arise in the event of a State interfering in the internal affairs of another State. May I thank you, Mr. Chairman, for allowing me to speak at such length.

H.E. Mr. P. DUPUY (Canada, Government) -

Mr. Chairman, Ladies and Gentlemen: It is with particular feelings of satisfaction and affection that the Canadian Delegation is participating in this Conference of the International Red Cross in New Delhi. As representatives of a Commonwealth country, we take pride in our association with India. Not only because we are facing the same task of modernising a vast territory while doing our utmost to protect the great traditions of our respective and complementary civilisations, but also because as young nations, we cannot be suspected of any ambition against any one, and basically because our peoples are equally inspired by spiritual ideals in their aspirations towards life and peace.

We of the Canadian Delegation have listened with great interest to the statements made and the views expressed on the question of the Draft Rules. If we have delayed participating in the debate up to now, it is not out of fear of walking on the tight rope of the humanitarian without falling into the political, under the very eyes of our countryman in the Chair. It is only that we have preferred to wait in order to see on what main points attention would be focussed. As was to be expected, we have now been confirmed that interest was centred on the banning of nuclear weapons. Let us, therefore, deal with this problem as frankly as possible.

It would have been a terrible disappointment to the world if the International Red Cross had failed to express the anxiety of the civilian populations in front of the nuclear menace, and neglected to take the initiative of coping with it. Therefore, in having the necessary enquiries, studies and consultations made, the International Red Cross has fulfilled one of its essential duties.

The Canadian Delegation is happy to join in the gratitude and congratulations expressed by other Delegations on the excellent work done in the preparation of the Draft Rules. It is an important contribution to the solution of the nuclear problem. What could be achieved from the humanitarian standpoint has been achieved. A phase is over and what is the next one? In order to reply to this question, one should remember that the International Red Cross Conference is not the only forum where the problem of nuclear warfare is being examined. For years, the United Nations has been discussing the question and more recently, in London, its sub-committee on disarmament has been struggling for months with the realities of the nuclear weapons. At the present moment, its report is being submitted to the Assembly of the United Nations in New York.

The road to security is a long and difficult one and any progress involves immense technical knowledge and crucial Government decisions. There is a danger that could be worse than the nuclear menace. It is the illusion that security can be achieved by spectacular declarations. The lessons of history need not be recalled. They are in every one's mind. Let us be patient, constructive and honest.

Who can seriously believe that this Conference is the proper place, that this time is the proper time and that our means are the proper means to save our planet from total destruction? How wonderful if we could, almost by magic, bring security to our civilian population. Under the circumstances, the Canadian Delegation considers it as its duty to join with the Delegates of our host Society and the Indian Government in supporting the resolution proposed by Judge Sandstroem on behalf of the Red Cross Societies of the Scandinavian countries. We would also be favourable to the addition suggested by the Netherlands Delegation. I thank you, Mr. Chairman.

Mr. I. MÜLLER (Sweden, Government) -

Mr. Chairman, Ladies and Gentlemen: I think all of us will agree on the high principle that the civilian population shall be left outside the sphere of armed attacks. I will gladly say that the Draft Rules have many good aspects of the problem of limiting the dangers incurred by the civilian population in times of war. But the wording of some of the provisions is not always so clear and exact that misunderstandings can be avoided. War is no legal method to solve the difference between nations, But if war will break out, we have, according to international law, to separate between legal and illegal methods in conducting war. In the present Rules it is suggested that those who are responsible for infringements against the rules shall be brought to trial and penalty. That demands that the provisions must have a clear and exact wording.

By studying the Draft Rules, I am afraid that some gaps will be found in this respect. For instance, in connection with Article 8 and 9, a man responsible for an attack against a military object, will sometimes say himself that the suffering that may be caused - as far as he can judge - to the civilian population is not disproportionate to the military advantage he gains by destroying the object. But the people who will suffer by the attack will find the suffering too grave and the military advantage less important. Who is right? The question of legal or illegal conducting of war can in the described case be judged from different points of views and the judgement can lead to different conclusions. And that will not satisfy the demand of clear and exact provisions. I may add that some of the precautions which, according to Articles 8 and 9, must be undertaken, will sometimes be very difficult to observe.

What I have now said is in my opinion a strong reason not yet to approve the Draft Rules in their present wording. There is another

aspect of the Draft Rules I want to illustrate. The rules contain - not formally but in the reality - among other things, a prohibition of using heavy atomic weapons against military objects in or in the vicinity of cities or other centres of civilian population. That can easily be seen by the application of Articles 9, 10 and 14 and of the rules as a whole. I desire that a prohibition of using heavy atomic weapons will be accepted by the Governments. But, as we all know, this problem is now discussed in the United Nations Disarmament Commission in connection with the disarmament question. And the disarmament problem seems to be very complicated. I am not sure that the Draft Rules in the present wording will reduce these complications. Looking at the rules from that point of view, it seems to me that the whole problem belongs more to the tasks of the Governments and the United Nations than to the Red Cross.

For these reasons, the Swedish Government finds it best that the Draft will be transmitted to the Governments consideration and on behalf of the Swedish Government Delegation I support the amendment moved by Judge Sandstroem as the Head of the Swedish Red Cross Society.

May I add, Mr. Chairman, that in my opinion the main purpose of the Red Cross is to achieve rules against avoidable suffering. By this term, I mean suffering that will be caused by measures inflicted upon the civilian population, grave suffering but which is of very small or no military advantage to the belligerent, carrying out the measures. By a low detonation of heavy atomic weapons a radio-active fall-out will bring a deadly danger to the civilian population in big areas far from the detonation point. The same effect will not be produced by a high detonation. In my opinion there can be no important military reason to gain the effect of radio-active fall-out. So I think all nations ought to be able to agree in prohibiting low detonation of heavy atomic weapons. It seems to me that a provision with that content, submitted to the protocol of Geneva of 1925, would be a good form to obtain the wanted result.

It seems to me that it will be in the spirit of the Red Cross to obtain this aim. So I wanted, Mr. Chairman, to mention it in order to put this problem to the ICRC for its future consideration. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

A number of Delegates have already spoken twice. There is possibly some excuse for this, if they spoke first time yesterday morning before we clarified the matter of procedure as we did at the opening of the session yesterday afternoon. I want speakers to refrain from asking for the floor twice. If they do come, I wish they would refrain from covering any of the same subject matters, and make their representations as short as possible.

(The meeting was suspended for 15 minutes)

Mr. J. A. MACAULAY (Chairman) -

We would like the session to be resumed. I have been asked to make the following announcement. A Red Cross Exhibition has been arranged in connection with the 19th International Red Cross Conference and it will be formally opened on the first floor of the Vigyan Bhavan at 9.45 a.m. on Thursday, the 31st October, 1957, by His Excellency Ambassador Paul Ruegger, leader of the Swiss Government Delegation and a former President of the International Committee of the Red Cross. Exhibits from about 45 Red Cross Societies and from the International Committee of the Red Cross and the League of Red Cross Societies are included in the exhibition. Exhibits have also been received from the WHO and the United Nations.

Colonel K. BRUNNER (Switzerland, Government) (original French) -

Mr. Chairman, Ladies and Gentlemen: The Swiss Government wishes, first of all, to thank the International Committee of the Red Cross for having compiled the Draft Rules. It also thanks the ICRC for having submitted this document to Governments, so that they have had the opportunity of expressing their views before the opening of the Conference. We feel sure that the Governments have all received the document, and have had the opportunity of making their views known, so that an important part of the work has already been done.

Our Government has instructed us to do everything possible during the Conference in New Delhi to reach a further stage in the adoption of international rules for the protection of the civilian population. We must, indeed, avoid the recurrence of a situation similar to that which, following the Tokyo Conference, held up the conclusion of the Fourth Geneva Convention with tragic consequences. In view of the world situation in general, we must go forward in order that, in the interest of humanity as a whole, this question may be settled with the least possible delay.

How is it to be done? if I may express an opinion at the present stage of the discussions, it seems to me that we are engaged in both a general and a fairly detailed discussion (a number of points of detail have already been discussed). How are we to proceed? We have before us a whole series of amendments, proposals and draft resolutions, and I venture to ask: are we making a step forward in following the resolution proposed by Judge Sandstroem, which has the support of other delegates? We do not think that the proposed resolution is a step forward, but rather two steps backward, since the matter of international rules should be left to the care of the body which has, up to the present, taken the trouble to compile the Draft Rules.

At this stage it is necessary to elaborate a working document for the ICRC, while taking into account that some articles of the Draft



Rules are open to discussion, and that others might be drafted in more precise terms. Proposals have already been made in this connection, but, in any case, it must not be said that we have not made a close study of the document; Let us make a careful examination of the matter, so that each delegation may have the possibility of expressing its views and of submitting amendments. For this reason, I should like to suggest, in the first place, that we do not accept Judge Sandstroem' resolution and, secondly that we do not set up a special Drafting Committee.

To set up a special Drafting Committee implies a further loss of time and, in any case, Ladies and Gentlemen, you are all experts in this matter and do not require the services of a new Committee of drafting experts.

May I suggest, therefore, that the general discussion should be closed, and that we should deal with the Draft Rules, article by article, but without voting, in order to give a basis to the International Committee's work and with a view to setting up an international instrument, binding upon States, whether it is based on Hague Law or on the Geneva humanitarian law; but let us remember that we are not a Disarmament Committee but merely a body called upon to draft this international instrument and to provide the ICRC with a basis for its work.

For this purpose, three points must be borne in mind; first of all not to waste time, by this I mean neither here at our meetings nor later, in drawing up an international instrument. We must have a working document which can be discussed without losing sight of the final object, that of attaining positive results for the warfare of humanity; thirdly, the services of an impartial body will be necessary to carry on this important work, which crowns the great work already done by the ICRC. That neutral, impartial and humanitarian body will be the ICRC. Thank you, Mr. Chairman.

H. E. Mr. N. HADJI VASSILIOU (Greece, Government and Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen; In my dual capacity as representative of both the Greek Red Cross and the Greek Government, my comments here will not be of a dual nature but will necessarily reflect the position.

Nevertheless, in my dual capacity, may I start by saying that I bring from Greece words of gratitude and admiration for the International Red Cross. Greece is grateful because the Greek people has benefited to the highest degree from the kind services of the Red Cross at critical periods of its existence. I need only refer to the assistance we received during the occupation of our country in the last world war, when we were subjected to particularly inhuman treatment. I should have

liked to thank some persons who are here today, and whose devotion was beyond all praise, but do not dare to do so for fear of forgetting one out of so many.

I also wish to express our admiration; both the Government and our people have a sincere admiration for the International Red Cross, for its continual efforts and its ever-increasing progress. In our opinion the International Red Cross may not be the oldest organisation but it is the most efficient. In humanity's most critical moments it has not only come to its aid immediately, it has always shown itself to be well prepared for the study of problems and for finding the means of overcoming them. Thus, it has just submitted to us the matter we are now discussing, i. e. the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War.

After what has been said, after the discussion that has been going on since the day before yesterday, I will not tire you all by discussing details; I will make no mention of the Articles but will merely say that the Greek Delegation has noted two tendencies so far.

The first is that it is necessary to be prepared to meet the event of a war, to be ready to make the humanitarian effort, and the Red Cross is, of course, justified in wishing to be always prepared for such an emergency. On behalf of the Greek Red Cross and the Greek Government, I can but applaud the systematic effort to meet this purpose contained in the Draft Rules we have before us.

The second tendency consists of saying: Gentlemen, the Draft Rules that you have placed before us refer only to part of the general problem of peace. We have been striving for peace for half the XXth Century. The work was officially started by the League of Nations with a view to the organisation of peace through arbitration, security and disarmament. Arbitration implies the pacific settlement of disputes, and some very satisfactory work was accomplished in that direction, both as regards the principle and the regulations for putting it into effect. The French Government Delegate, Mr. Naggiar, referred, a few minutes ago, to the Briand-Kellog Pact which outlawed war as a means of settling international disputes; the rules in that connection were set up by various bodies, the first being the League of Nations, followed by the United Nations.

The United Nations is now pursuing the same effort under the dual emblem of security and disarmament, since there can be no peace without security, and there can be no prospect of security unless it is preceded by disarmament. Some of the articles, some of the rules placed before us, touch upon disarmament however, and as this question is now being widely discussed within the United Nations, it is quite natural for some to think that the two questions cannot be dissociated and that all the questions related to disarmament should be studied together.

In this connection, I may say at once, Mr. Chairman, that the Greek Government and the Greek Red Cross favour the second school of thought. The Greek Red Cross regrets that it cannot give itself the credit of having made a close study of the Draft Rules submitted by the ICRC; it wishes to congratulate the ICRC and all the delegation representatives present who have made a particularly careful study of the text. Yesterday afternoon, for instance, the Polish Delegation made a remarkable speech on the subject. The Greek Red Cross, although it has not made a thorough study of the Draft Rules, merely wishes to say that, so far as it is concerned, it is in favour of any effort to protect the civilian population in all belligerent countries. It made this, somewhat vague, statement in Geneva in 1954.

The Greek Government is of the opinion that the Draft Rules before us concern, and tend towards, the elaboration of new rules of international law; however, up to the present, international law is only applicable to States. We sincerely hope that it will be applicable to the individual in the near future but so far it has only concerned States. States, therefore, have a direct interest in the matter; they cannot stand aside and say that they do not wish to study and to go thoroughly into the matter, not independently but with other organisations.

In the second place the Draft Rules contain provisions which refer to the prohibition of certain nuclear and thermo-nuclear weapons; however, this question has also been studied by the United Nations Disarmament Sub-Committee and the Report on the Effects of Ionising Radiation by a Scientific Committee of the United Nations is a most remarkable work on the subject. It is only natural, therefore, for the Greek Government to suppose that the study of the matter by a great international organisation could not be undertaken without the participation and a similar effort on the part of Governments.

I wish to conclude, Mr. Chairman, by saying that the Greek Government and the Greek Red Cross agree to the proposal made by Judge Sandstroem which is, in fact, the draft resolution, with a few alterations, submitted by the ICRC itself. It seems to me most satisfactory that the text proposed by Judge Sandstroem should be supported by the Indian Delegation, the delegation of the host country. I consider it as most satisfactory because the Indian Delegation enjoys particular and increasing prestige among us; I feel sure that it will play a useful part in bringing our discussions to a fruitful conclusion.

We consider that the draft resolution should be dealt with as follows: first of all the ICRC should continue its effort as in the past; at the same time Governments should be approached individually, for the reasons mentioned above (i. e. in regard to the elaboration of international law) and then collectively, for the reason also mentioned (the United Nations and other organisations are now taking steps for the settlement of the entire question, of which the point we are discussing is merely a detail). These are the sentiments of the two bodies I represent; it only remains for me to thank you, Mr. Chairman.

Prince F. de MERODE (Belgium, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: I wish to address you as a Red Cross member, for I am not a diplomat, a fact which would perhaps enable me to neglect certain precautions now and then, but I venture lay emphasis upon the great Red Cross traditions to which it is, I think, our duty to conform here.

Which are some of the most concrete examples of those traditions? For my part, I believe that the first point to be stressed is that whereas for nearly a hundred years the Red Cross has been an idealist movement throughout the world, it is, at the same time, essentially practical and realistic. They were not men of the Red Cross whom we saw, some years ago - shortly before one of the greatest conflicts that humanity has known - signing with gold pens an agreement outlawing war, just before the day when war was to devastate the world. No, the Red Cross deals with possibilities. Based on a high ideal, it remains practical and that is its strength and its honour. The Red Cross represents a well-balanced view of matters. Thus, as was said yesterday, it realises that if its activities were to result in a change in the balance of power this would run counter to its essential purpose: the safeguarding of peace, security and the peaceful existence of peoples.

There is therefore no question of that. Nevertheless, in this work of finding a balance, we must finally ask ourselves why we are meeting here. Is it for love of the venerable Empress Shôken, of the Empress Augusta, or is it, Ladies and Gentlemen, because we have before us Draft Rules designed to protect the civilian population in time of war? Have we come here to bury this project, to stifle it under vague wording or have we come to conclude a treaty? In my opinion those are two extremes, both of which we must reject because they do not conform to reality, the ideal we pursue and the reasons which have brought 80 Red Cross Societies and an equivalent number of Governments as far as New Delhi.

We are trying to attain a real objective, i. e. to advance as far as we can, to progress towards the aim we have in view; may I ask you to consider what has just been said by the Delegate of the Swiss Government when he recalled that, owing to excessive dilatoriness, it was not possible to draw up the Fourth Geneva Convention before the last war, and on that account millions of men suffered and many tears were shed. We have not the right to take such a serious responsibility - we must go forward as far as we can.

The document you have before you is not a treaty by which you would at once be definitely bound, but a draft of the ICRC, and by that I mean the resolution of the ICRC; this resolution has been amended, first by Judge Sandstroem, by the representatives of the Scandinavian States and finally by my Netherlands colleague whose survey of the matter you will all have appreciated for its common sense and knowledge of the subject; he pointed out that there was no reason at all to exclude the ICRC from the work that will be continued later.

We are all quite aware that after our meeting, after having adopted a position which will respond to the wishes of our hundred million members, there will have to be more conferences of experts, government conferences and, before reaching some final result, still more studies and discussions. It seems to me, however, that we should support what our Netherlands colleague and the delegate of the Swiss Government have said in this connection; we cannot set aside the International Committee and, as far as I am concerned, while I am prepared to vote for the resolution amended by Judge Sandstroem, I insist that there should be added once more the text which you know, whereby the Draft Rules, although they will be sent to Governments for consideration, remain within the competence of the International Committee.

Do not forget, Ladies and Gentlemen, that the Committee has for nearly a century upheld the Red Cross ideal throughout the world. Let us defer to its competent guidance, to its custom of bringing Red Cross problems to maturity at the appropriate moment. We may be sure that if we entrust the Draft Rules to the ICRC they will be in good hands, that they will be handled with prudence and realism, and that the work will be animated by the high ideal of the Red Cross - the emblem which adorns the Conference Hall. Thank you, Mr. Chairman.

Mr. R. KLAT (Lebanon, Government) (original French) -

Mr. Chairman, Ladies and Gentlemen: The Delegate of Lebanon, supported by the Delegate of Iraq, congratulates and thanks the International Committee of the Red Cross for the Draft Rules submitted to this assembly for examination,

considers that, in the present circumstances, the said Draft Rules are the most useful document which can be submitted to Governments, on behalf of the XIXth Conference, in view of their adoption through an international instrument,

considers, moreover, that the remarks and suggestions made by the various delegations, however judicious they may be, cannot be discussed now but should be transmitted with the Draft Rules to the competent organisations,

further considers that the XIXth Conference should adopt the draft resolution HR/6, after deleting Article 4 and replacing it by a new paragraph reading thus:

"Expresses the hope that the adoption of the said Draft Rules through an international instrument will constitute a step forward towards the immediate aim pursued by humanity, namely the prohibition of the use and the testing of blind weapons, and a stage on the way to its principal and supreme aim, the total prohibition of war".

Thank you. Mr. Chairman.

Dr. H. MERINO (Ecuador, Government and Red Cross) (original Spanish)-

Mr. Chairman, Fellow Delegates: The Delegation of Ecuador believes that every effort to extend humanitarian law is well received by all the countries of the world. We recognize the great efforts made by the International Committee and the fact that we have spent two days in considering the Draft Rules shows that the stage has not yet been reached where we can pass a resolution. We are further of the opinion that while we are here representing our Governments, it is only to express their admiration for the work of the Red Cross and not because we are authorized to draw up laws or conventions.

Let us not therefore close our eyes to the competence of other bodies, such as the United Nations, the Disarmament Commission and our own Parliaments and Governments, nor try to enter fields which are not ours.

We propose that the Standing Commission collects the suggestions made during these discussions in order to work out a more finished draft to be submitted to the Governments of each of our countries as an aspiration of this XIXth Red Cross Conference, which gives expression to the humanitarian spirit of the Red Cross.

It will not be written laws which restrict human acts; America hopes that by inculcating in the coming generations the law of love which inspires Christian civilization and which prohibits lying, theft and murder, we shall achieve one day, in a not too distant future, universal coexistence. Until then, the Red Cross must follow the path it has traced for the good of the whole of humanity. Thank you, Mr. Chairman.

Surgeon-General G. FERRI (Italy, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: For many years the Italian Red Cross has followed with admiration and great interest the remarkable work of the International Committee of the Red Cross and wishes, first of all, to pay a tribute to the noble ideal which inspired the compiling of the Draft Rules.

In our opinion, there is absolutely no doubt as to the International Committee's right, and its duty even, to make every effort to limit the dangers and perils incurred by the civilian population in time of war so far as possible. We have seen, however, that most of the articles of the Draft Rules, in their present form, have raised suggestions for amendments on the part of several speakers who have come to the rostrum. This shows how difficult it is to strike a mean in drafting rules for such a delicate matter as prohibiting or regulating the use of certain weapons. This is an essentially political and military matter which comes within the competence of the governments of the various countries.

In these circumstances, the Delegation of the Italian Red Cross is of the opinion that it would be advisable for the Conference to decide to submit the Draft Rules to Governments for consideration.

The Italian Delegation sincerely hopes that the International Conference of the Red Cross will use its authority to invite formally the Governments to accept the aims of the Draft Rules and, so far as possible, to call for agreement to reduce armaments. Thank you, Mr. Chairman.

Dr. D. FUNES-HARTMANN (El Salvador, Red Cross) (original Spanish) -

Ladies and Gentlemen; I am the delegate of perhaps the smallest and the weakest of all countries represented in this Assembly. Nevertheless, I do not believe that this should be a reason for keeping silent on a subject of such scope.

As the delegate of the Government of the Republic of El Salvador, I have instructions to vote against any motion aimed at a prohibition of atomic weapons, in view of the fact that, at this very moment, the proper ways of controlling or prohibiting such weapons are being studied in an assembly perhaps better prepared for the task. But I am not a politician, I am not a diplomat and I am unacquainted with systems of international law. I am a Red Cross man, a doctor and a Quixote, still ready to tilt at windmills.

If we consider at leisure the contents of the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War, we cannot help seeing in them an exact reflection of the spirit of Henry Dunant adapted to modern times. I do not believe that a person belonging to the Red Cross and knowing its motives and ways of thought as well as being a convinced member, could have anything against the terms of the preliminary Draft. I would like to remind you that when Hitler Germany, forgetting her status as a civilized nation, launched her hordes against neutral countries like Belgium and the Netherlands, it was not treaties or conventions but the voice of the guns and the bombs which made her see the errors of her ways.

For this reason, a prohibition of atomic weapons is compatible only with the establishment of a body with enough power to control and enforce the prohibition which has been so often mentioned.

I am of the opinion that in this Assembly the draft submitted by the ICRC should be accepted as a Red Cross decision and as an expression of the opinions of that great international organization, which is trying to do its duty of protecting humanity wherever possible and to the greatest possible extent.

Previous speakers have stated that although we were delegates of our Governments, we have not been given plenipotentiary powers to sign an agreement. The proposal that the Rules should be submitted

to our Governments for study and approval seems to me plain common sense and logic. We members of the Red Cross are not the ones who are going to decide in the last instance the way in which the Governments of the various countries are to solve the problems.

I believe that we are still far from the point at which the progress of world civilization would lead us to equal those periods of ancient history when the strongest and best trained were picked out to decide by personal hand-to-hand combat which side should have the victory. I appeal to the delegates in this Assembly to approve the Draft Rules submitted by the ICRC as the principles of the International Red Cross, so that they can be submitted to the Governments of our countries. Thank you, Mr. Chairman.

Professor N. MEVORAH (Bulgaria, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: May I express to this eminent assembly my fear of leaving this beautiful country, so full of historical interest and with such kind people, with a feeling of frustration and bitterness because we shall have, to some extent, betrayed the hopes of those who sent us here as missionaries of peace and human rights.

All the items of the Agenda of the Conference are, of course, important but there is one that is far more important than the others, the one in fact of which the title is directly linked with the hope of a lasting peace and which is as great as the memory of the suffering which gave rise to it. It was, indeed, this appeal for peace which brought us here.

The fact of having elaborated a set of Draft Rules proves the good intentions of the authors; we have only to turn to the first page and to read the significant words:

"Everyone knows that the extensive use of certain weapons would mean extermination of whole nations and the end of civilisation. The greatest courage and devotion would be unavailing under such circumstances, and the recent Geneva Conventions would themselves be ineffective if the belligerents were unrestricted in their choice of means and methods of warfare".

Further on it is said:

"Can the Red Cross accept such a state of affairs? Certain military considerations must give way to the demands of humanity ... The International Committee of the Red Cross, convinced of this and encouraged by a resolution adopted unanimously by the National Societies of the XXIIIrd Session of the Board of Governors, drew up these Draft Rules...".



One of the speakers has rightly said that "since Henry Dunant created this admirable movement, no Conference of the International Red Cross has been without interest", but this one is of special importance. The President of the Republic of India, whom we highly respect, called it memorable when, in a short address full of wisdom and clarity he said: "The present Conference is meeting at a crucial period of the world's history in a revolutionary era of scientific advancement with the advent of atomic and nuclear energy and the attempted conquest over space. These achievements would have been hailed as great gifts of modern science to mankind but for their grave potentialities and apprehended possibility of their being employed as devastating instruments of war and destruction of the human race".

This is the feeling which drew us here and which prevailed during our first contact and first instants with those who are present, until the late hours of yesterday. What happened yesterday which leads me to speak of disappointment? I have a feeling that many of the delegates are unjustly haunted by the fear of being drawn into political discussions. The tendency to stand aside from politics sometimes assumes too great and, in fact, immoderate proportions; it paralyses our will and turns it into half-formed wishes.

To me it seems, however, that our movement should have force and dignity. We represent millions of men; we represent the lives of our children and the generations yet unborn; we represent the interests of the whole of humanity and civilisation. We cannot, of course, sign contracts and give pledges regarding military matters; but who can prevent us from making our voice heard when we ask for peace, and that war be definitely abolished as a means of settling disputes between States? Who could prevent us from sending urgent appeals to Governments to conclude agreements concerning the prohibition of atomic weapons, and of tests which poison the atmosphere, impair our health and prevent us from enjoying our lives? Have we not the right to protest, in the name of our children, against the sad prospect before us, against the **threat of destruction of civilisation itself?**

The representative of France has very rightly said that the wish to follow a strictly neutral policy should not prevent the Red Cross from bringing the support of its moral credit in the efforts made to reach an agreement on disarmament or the partial or total prohibition of the manufacture and use of weapons of mass destruction. I wish to say once more that it is not a question of drafting contracts of a political nature, or of giving orders to Governments in this connection. We are quite aware that the Governments are, for their part, making efforts in one direction or another to reach an agreement; this agreement is not yet in view, it is still far off. What we should do now, in fact, is to make known our anxiety and our fear for the future.

It is obvious that the United Nations should deal with this matter and that Governments should reach an agreement in various conferences. But is our action to be confined to merely sending them a parcel of documents, without giving our opinion on the matter? If we

agree therefore, to present Governments with the Draft Rules and the record of the discussions held here, we cannot send them blank cheques, to be signed by us without scrutiny; I think it would be only natural and logical to examine the Rules as a whole, without argument as to details, commas, full stops, etc. and to seek for the guiding principles therein.

Well, this could be done without any great loss of time, by forming a study group of a few persons, which would relieve us of many discussions here, and would enable us to have something more definite, more perfect, which we could sign with full knowledge of the facts.

I think that, by this means only, we shall be able to leave the Conference with a feeling that we have done our duty and have carried out the mandate entrusted to us by our Societies. To conclude, I may say that the question which interests us most is that, in fact, to which I have just referred, and we shall vote for any resolution of which the main point is the prohibition of atomic weapons and the discontinuance of tests. Thank you, Mr. Chairman.

Dr. W. LUDWIG (German, Democratic Republic, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: Allow me to supplement the comments of the representative of our Government, Professor Steiniger, by a few remarks from the point of view of the Red Cross in the German Democratic Republic. It is not only in my capacity as a Director but also as the representative of the majority of the members of our Society that I am present at this honourable assembly. May I ask you to note that not only the Government Experts of our Republic but also the members of the Red Cross and the people of our country have been asked to give their opinion on these Draft Rules, at many meetings, through the Press, the radio, etc.

The response confirmed our opinion on the subject. We found general agreement among people of various political and religious opinions, and of varied social standing, as to the humanitarian mission of the Draft Rules. We realise, however, that these people expect us to adopt a firmer attitude than that set forth in the present wording of the Draft Rules on the most important point, i. e. protection from the effects of atomic and thermo-nuclear weapons.

I am speaking to all those who have so far, during the discussions, opposed the adoption of a firmer attitude, who are afraid of touching upon political matters, begging them to reconsider their point of view. Have they forgotten that they will, in fact, be adopting a political attitude if they neglect a humanitarian duty of such importance; this would be a policy of non-interference, of political passivity, which is extremely dangerous.

I am speaking to the Conference in my capacity as a doctor and I ask you, Ladies and Gentlemen, if the time is not ripe to **consider** the experience drawn from the history of the Red Cross? I should like to emphasise that the Geneva Conventions (and the Geneva Protocol of 1925) are the result of bitter experience gained during previous wars. We, the doctors, learned long ago that prevention is better than cure.

Mr. François-Poncet very rightly said yesterday that the Red Cross movement should not remain silent. At the same time he thought he ought to warn us not to bring the question of disarmament within the Red Cross sphere. It is obvious that it is not for us to dispense the heads of States from finding a solution to all these problems. Shall we not, however, encourage them when they perceive the moral authority of the world community of the Red Cross, expressed in a very practical and firm manner? So far not all the Red Cross resolutions passed have had this effect; it is necessary, therefore, to place a practical proposal before the people of the world.

To reach this unanimity, to overcome the divergence of opinions which now exists, we also suggest the setting up of a sub-commission for the co-ordination of the various opinions expressed and for the purpose of reaching the fullest agreement possible on the different proposals set before us. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

We have requests from several other Delegations that they be allowed to speak. We have had a pretty exhaustive discussion on the rules as a whole and of the rules in detail up to now. I cannot think of anything further that can be contributed to the discussion at this stage. I think that everything that could be said has been said. We are going to give the Delegates the chance of speaking; but, remember that we do not want repetition. If some other Delegate has said something you proposed saying, you might feel that it is not necessary for you to ask to come to the rostrum. As I said, we have had enough discussion. We will continue discussion at 3 o'clock. But, try to make submissions as brief as possible and do not indulge in any repetition of things that have already been said.

(The meeting rose at 1 p. m.)

## FOURTH MEETING

30 October 1958

( The meeting was opened at 3 p. m. by the Chairman,  
Mr. J.A. MacAulay)

Mr. W. G. HARTMANN (German Federal Republic, Red Cross)  
(original French) -

Mr. Chairman, Ladies and Gentlemen: May I make a very short remark and express once more on behalf of the Red Cross of the German Federal Republic our thanks for the admirable work done by the ICRC since the Oslo Resolution in 1954. It is also with this sense of gratitude that the Delegation of the Red Cross of the German Federal Republic heard this morning the proposal of the Delegate for the Netherlands to add a paragraph to the amendment submitted by Judge Sandstroem. It concerns a request to the ICRC to continue its efforts for the development of humanitarian law for the protection of the civilian population; and if, Ladies and Gentlemen, you decide to transmit the Draft Rules to the Governments, it seems to us desirable and necessary that the continuation of the International Committee's responsibility in this matter should be expressly stated. By its traditions and its aims it is the duty of the ICRC to deal with this basic task in present circumstances; the protection of the civilian population.

The Red Cross must face up to its responsibility with regard to humanity's hopes and fears by ensuring, not only that these Draft Rules are submitted for consideration by the Governments, but also that the ICRC continues its work on them. For this reason the Red Cross of the German Federal Republic wishes to support the additions suggested by the Netherlands Delegation to Judge Sandstroem's proposed amendment. Thank you, Mr. Chairman.

Mr. W. G. A. LANDALE (Australia, Government) -

Mr. Chairman and Fellow Delegates: First of all I would like to say how very glad I am to be participating in this very important Conference in New Delhi. On behalf of the Australian Government I wish to express the deep appreciation of our Government for the work of the ICRC in preparing these draft rules.

My Government is profoundly conscious of the lofty humanitarian motives which have inspired this work. As has already been pointed out, the whole question of disarmament is being discussed at the United Nations. In these circumstances, I would support

the amendments put forward by Mr. Judge Sandstroem and the Netherlands delegate, or similar ones in the same sense. Thank you, Mr. Chairman.

Capt. Mohd. SHARIF (Pakistan, Government) -

Mr. Chairman, Ladies and Gentlemen: As the Chairman pointed out before lunch break, throughout yesterday and during the course of this morning the issue before this House has been discussed threadbare and we have all listened with fruitful interest to the various points of view put forth by eminent delegates. It is not my intention, however, to go into any detailed discussion. I must none-the-less crave your indulgence to bear with me a few moments while I put before you the views of the Government of Pakistan and those of the Pakistan National Red Cross on this very important subject.

We as a nation are pledged to the cause of peace, its maintenance and advance. To uphold this lofty ideal we shall not spare any effort. Pakistan yields to none on the principle it has adopted to help safeguard mankind from the horrors of another catastrophic war and devastation or extermination of masses through the use of thermo-nuclear or other weapons of destruction or by any other means. We are at one with all the peace loving nations of the world on this issue.

We ourselves, as you well know, are a country such as possesses neither the means nor the potential of ever being able to develop such monstrous weapons. Indeed we do not even own the wherewithal for scientific research in the field of nuclear energy for peaceful purposes.

I am privileged to belong to the noble profession of surgery. I am thus extremely conscious of the horrible ravages that a future war would inflict on humanity. It will pose problems of a gigantic magnitude to the medical profession and all the missions of mercy operating in the afflicted areas where death, destruction, horror and agony will throw a mighty challenge to the conscience of man.

Right here we are freely participating in the deliberations of this highly idealistic and most wonderful organisation - the International Red Cross with its exalted mission of mercy and benevolence extending to all the nations and all the peoples without distinction of race, colour, caste or creed. Is it not significant that whatever differences on political and other issues we may hold with others in various world forums here indeed we have no such differences that may divide us or deter us from the right cause.

I call to my command all my humility, sincerity and fervour and venture to appeal to you distinguished Ladies and Gentlemen. Let us establish in this uniquely neutral world forum a tradition and example of mutual trust and understanding and unity of thought and action

symbolized as it is in our various emblems under the banner of the Red Cross. It cannot be otherwise if our sublime mission of mercy is to continue to be successfully fulfilled. I would shudder to conjecture the appalling consequences that will await humanity in distress crying out for help and succour if this noble and humanitarian world organisation were to be divided against itself. It is my most humble submission that our endeavour be constantly directed so as to steer clear of highly controversial issues, which may form the subject of a cold war.

It is only too well known that the world today stands sharply divided on the issue of thermo-nuclear weapons for and against their banishment. It is our submission that this subject be best left to the United Nations and its specialised organs who are competent to deal with it and are, in fact, in grips with the self same problem. International security falls within their purview.

It is an irony of fate that even after suffering two devastating and catastrophic global inflictions, the world has not as yet learnt its lesson. War continues to pretend as a major arbiter of international disputes. It will be more fruitful to us to direct our endeavours towards the removal of the causes of friction and of war through provoking a better understanding among men of all nations.

Mr. Chairman, my delegation is of the opinion that the draft rules today placed before us are the result of laborious, painstaking and time-consuming deliberations of a body of illustrious members of our great organisation. It is significant that the fundamental soundness of any of the rules has not been called to question. Differences of opinion have been expressed by far and large on procedural matters or only partial adjustment has been sought in relation to some of the articles. This indeed is a major achievement for the authors. We extend to them our heartiest congratulations and thanks.

We are not going to make any observations at this stage for we feel that the draft rules need expert scrutiny at Governmental level. After such a study, it is possible that my Government may have some observations to make. It is in this spirit, Mr. Chairman, that on behalf of my Government and my delegation, I strongly support the amendment tabled by the venerable Judge Sandstroem on behalf of the Swedish Delegation, Thank you, Mr. Chairman.

Mr. M. NISHOVA (Albania, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: Allow me to express my opinion. The question we are now discussing is of capital importance since it concerns the protection of the civilian population. Humanity as a whole desires this; there can be no doubt about it; the whole world agrees upon the absolute prohibition of the use of weapons of mass extermination.

The proposal submitted by the Soviet Delegation deserves special attention as it concerns an important decision which will make a useful contribution to the general welfare.

The Albanian Red Cross Delegation fully agrees with the suggestion of the Soviet Delegation that a working group be set up to study the Draft Rules. Thank you, Mr. Chairman.

Professor L. RECZEI (Hungary, Government) (original French) -

Mr. Chairman: With your permission, I should like to state, first of all, that as an official participant in the Conference, I asked for the floor yesterday to say a few words concerning our point of view, whereas today I wish to give a short explanation of our amendments, submitted three days ago to the Secretariat and which have not yet been circulated (Document HR/16).

As regards Article 1 of the Draft Rules, we suggested the insertion, in Paragraph 2, between the words "detailed expression" and "in", the words "and sanctioned", as this addition would, in our opinion, reinforce the general principle set forth in the first paragraph. These words signify that penalties will be applied, not only in the case of infringements of the provisions of the Convention, but also in the event of violations of any other Convention, and of any rules of international law, if such infringements also affect the general principle set forth in Article 1.

As regards our proposals concerning Article 6, I support the proposal of the Netherlands Delegate to delete the word "as such" and need not, therefore, repeat it. In addition, we proposed the deletion, in the second paragraph of Article 6, of the word "exclusive". This condition would never be met with in actual fact; there are no dwellings or means of public transport which could not be made use of, particularly in time of war, for military purposes. Such objects do not, by this fact alone, become military objectives. It is evident that the distinction made between military objectives and buildings, etc. for the use of the civilian population, could not be based on the fact that they are for the "exclusive" use of civilians.

In Article 7 the third paragraph makes an exception in favour of objectives listed as military objectives. This exception does not correspond to the actual position; the destruction of everything which falls within the category of military objectives no doubt weakens the military strength of the adversary; there is, therefore, no specific case where an attack directed against such an objective would not lead to a military advantage. The decision as to whether this condition is fulfilled rests, moreover, with the person responsible for the attack; consequently, this provision would never prevent an attack being made. This rule could only be effective if it set forth, instead of the notion of a "military advantage" the principle of the proportionate advantage gained,

as is done in Article 8, Paragraph 2 (b). For this reason we propose that Paragraph 3 of Article 7 should be amended as follows: "where their total or partial destruction would be disproportionate to the military advantage anticipated".

Article 13. This article is based on the principle set forth in Article 23 of the Geneva Convention relative to the Treatment of Prisoners of War. The direct reason for the prohibition contained in this clause is that the adversary is not obliged to abandon the operation, so that the civilian population in or near military objectives could suffer serious damage. Although the general rules contained in Articles 8 to 10 also refer to attacks directed against these objectives, it would nevertheless be useful, to avoid misunderstanding, for it to be stated ~~here~~.

In fact, Article 13, allows for two interpretations of the text; firstly, the attacker does not take into account the presence, in the vicinity of the military objective, of civilians held there in violation of Article 13 and carries out the attack, or, secondly, the attacker decides - in conformity with humanitarian considerations - to take the presence of the civilian population into account and to attack another military objective, provided it presents a similar military advantage. In such a case, should the circumstances allow, the attacker should warn the civilian population beforehand. For this reason, we suggest the addition of a second paragraph to Article 13, as follows: "if, in such a case, the attacker does not decide to abandon the operation, he shall be obliged to take into account the safety measures set forth under (a) and (c) in Articles 8 and 10".

We suggest that Article 17 should be deleted altogether. It is somewhat confusing since, in view of the special nature of the military objectives referred to, it weakens certain provisions of the previous articles. Article 6 protects the civilian population and is fully intended to prevent its destruction; Paragraph 1 of Article 7 prohibits attacks against other than military objectives; Article 8 prohibits and Article 11 limits in some instances attacks even on military objectives. If these rules are respected they will be effective in preventing useless destruction of hydro-electric dams, dikes, power stations, etc.

The first paragraph of Article 17 nevertheless raises some doubt concerning this protection; it is, in fact, to be deduced that these works and installations are not protected by the Draft Rules since the Parties concerned are invited to come to an agreement to confer immunity on objectives which are used for essentially peaceful purposes. In our opinion, if Article 17 were to be deleted, the other provisions of the Rules, if interpreted in good faith, would provide a better safeguard for works and installations for essentially peaceful use. We consider, therefore, that the protection of the objectives listed in Article 17 should not be dependent on agreements made later, and that the general provisions of the Draft Rules should also be applicable to these objectives. Thank you, Mr. Chairman.



Mr. J. A. MACAULAY (Chairman) -

Several Delegates who have asked for the floor have already been at the rostrum before. I urge that they will not indulge in repetition and make their representations as briefly as possible. We have many other items on the agenda, and I would hope that we can get to the vote on the resolution before us today.

Dr. O. BELEA (Rumania, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: The Delegation of the Rumanian Red Cross has already welcomed with satisfaction the international Draft Rules for the protection of the civilian population in time of war.

We offer our sincere congratulations to the International Committee for the initiative taken and the great work done. We have also expressed our views on the danger of weapons of mass destruction. In our opinion we should try, by every possible means, to obtain the prohibition of the use of such weapons against the civilian population.

We should like to make a few more comments on the Draft Rules. We wish to point out that some rules are followed by clauses of exception which may give rise to confusion and, in some instances, cancel out the effect of the rules and thus encourage subjective interpretations of what is meant by "military considerations". These clauses would lead, indirectly, to evasion of the rules.

We have one example of this in Article 8 (a) of which the second paragraph cancels out the provision set forth in the first paragraph. The second paragraph allows, in fact, for discrimination to be made between military objectives in proportion to the danger which the civilian population might incur in the event of attacks against those objectives. The idea is, therefore, given that the civilian population must, in any case, suffer the effects of attacks against military objectives. The logical result of this paragraph would be that losses among the civilian population would be inevitable, even during the bombing of military objectives. Therefore, any one committing a breach of the rules could argue that since, in any case, the bombing of military objectives causes loss and destruction which would affect the civilian population, he could not spare the civilians because he was obliged, first of all, to take military considerations into account.

Moreover, this provision is in more or less open contradiction to Article 7, Paragraph 2, which gives a clear definition of a military objective, and specifies that military objectives only may be attacked. It therefore follows that objectives attack on which would cause suffering to the civilian population cannot be considered as military objectives. For these reasons the Rumanian Delegation proposes the deletion of Paragraph 2 (a) in Article 8.

Another example of a contradictory rule appears under Paragraph 8 (c). The insertion of the words "whenever the circumstances allow" makes the rule ineffective, since the belligerents could always put forward the impossibility of warning the civilian population beforehand in the event of a surprise attack. Our Delegation considers that the rule should be unconditional and that the words "whenever the circumstances allow" should be deleted; the provision would thus again become entirely mandatory.

If the rules are hedged about with conditions, they merely become pious wishes without effect; in view of our purpose - to convert the Draft Rules into a diplomatic instrument - we must try to delete any conditional clauses, especially at the present time, when the harmful effects of weapons have considerably increased.

We also suggest that in Article 4 (b) it should be specified "Persons . . . . but nevertheless take a direct part in the fighting". An erroneous interpretation of the present wording would allow for attacks on workers' dwellings, since one of the belligerents could argue that since workers contribute towards the production of a considerable amount of war material (for instance in shipyards) they take part in the conflict.

We further propose the deletion of the first line of Article 7, in view of the fact that it seeks to limit and not to eliminate the dangers incurred by the civilian population in time of war. Moreover, the 1955 Draft contained no reservation of this description.

We consider, still with a view to reducing conditional clauses, that the words "or . . . . are at least reduced to a minimum" should be deleted in Article 9, Paragraph 1. The corresponding text in the 1955 Draft was clearer.

Furthermore, Articles 18 to 20 concerning the application of the Draft Rules should, in our opinion, be replaced by provisions which would inflict severe penalties on those who might be led to ignore them, on the basis of the fact that national criminal law inflicts punishments for offences which are designed to prevent a repetition of them. In our opinion, international law should impose the sanctions necessary to attain the purpose of the rules of law drawn up. These sanctions are, primarily, preventive in character, i. e. they are designed to prevent infringements of the rules; they must all therefore be imperative; in this way it will be more difficult for those who might intend to ignore them to escape punishment.

Although the repressive aspect of the sanctions is secondary to their preventive purpose, they must be worded in very strict terms. In the existing international Conventions for the protection of civilians, for instance the Convention signed in Geneva on August 12, 1949, the sanctions laid down are based on the legislation of each country concerned, and the parties undertake to punish grave breaches in accordance with that legislation.

The Charter of the International Military Tribunal of Nuremberg, August 1945, defines in Article 6 the crimes committed against the civilian population during the war. This article states that any inhuman act committed against the civilian population in time of war constitutes a crime, even if it is not provided for in the legislation of the country where the crime was committed. By its Resolution of 11 December 1946, the United Nations General Assembly confirmed the principles of international law recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal. The Rumanian Delegation therefore considers that if such principles were applied by the Nuremberg Tribunal, in circumstances which were deemed to be very serious for humanity, the same principles should be adopted in connection with war involving the destruction of the civilian population by thermo-nuclear weapons, the use of which constitutes one of the greatest crimes it is possible to commit against humanity.

In making these comments, the Rumanian Delegation expresses the hope that, after its adoption, the resolution will be given effect by the leaders of all countries, in the form of an international convention, as a lasting guarantee of protection and safety for all the peoples of the world. Thank you, Mr. Chairman.

Mr. WU YUN-FU (People's Republic of China, Red Cross) (original Chinese interpreted into English) -

Mr. Chairman, Ladies and Gentlemen: The Chinese Delegation entirely agrees with the proposals made by the Soviet delegation yesterday afternoon on the specific steps to be taken on the improvement of the "Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War". That is to say, the draft is to be the basis of the discussion in this Conference, because this Draft is fundamentally in conformity with the humanitarian principles and it is also a good Draft. And the delegates to this Conference should, on the basis of the work done by the ICRC, make the Draft more complete and particularly we should in Article 14 clearly provide for the unconditional prohibition of atomic and hydrogen weapons and other weapons of mass destruction of mankind.

The defence of the civilian population from the dangers of war is the central theme of this Conference. The Chinese delegation, therefore, considers that this Conference should make a contribution on this question so as to meet the hopes of the peace-loving peoples throughout the world.

Certain delegates propose to suppress article 14 or express opposition to adopting any proposal banning atomic weapons. The Chinese delegation considers that the view of these delegates is a big retreat from the basis of the present Draft and it is not in conformity with the desire of the peoples of the world, and therefore, we cannot agree to such a view of those delegates. Thank you, Mr. Chairman.

Mrs. ABOU RICHEL (Syrie, Red Crescent) (original Spanish) -

Mr. Chairman, Ladies and Gentlemen: I have the honour to speak as the Delegate of the Syrian Red Crescent Society. I do not wish to go into details on Articles which have been widely and thoroughly discussed by the distinguished representatives here present.

The noble task of this humanitarian organization is to work without cease and try to act for humanity and through humanity. We must give proof of the disinterestedness of this international organization working for the good of humanity by prohibiting the use of all atomic armaments. It is known that the constant experiments have claimed many victims. If we can envisage, without being influenced by politics at all, what could happen if atomic and nuclear weapons were used, I believe that the Red Cross, which is a humanitarian institution, should safeguard its principles and foresee the dangers and calamities before they arise. That is the opinion of the Syrian Red Crescent Society, looking at this matter from the humanitarian point of view. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

A number of Delegates have overlooked the fact that yesterday we asked the Delegates who came to the rostrum to hand in a slip with their names indicating whether they were representing Government or the Red Cross and if Red Cross, the position held in the Red Cross. I wish that any Delegates who have not done that and who have spoken would observe that rule and hand in those slips for the benefit of the Secretariat at the first opportunity.

The Delegate from Indonesia wants the floor.

Mr. R. SOEJONO KROMODIMOELJO (Indonesia, Government and Red Cross) -

Mr. Chairman, Ladies and Gentlemen: On behalf of the Indonesian Government's delegation and the delegation of the Indonesian Red Cross, I would like to express our gratitude to the ICRC for preparing the Draft Rules for the limitation of the dangers incurred by the civilian population in time of war. As delegates from a country which has suffered very much during the second World War, we cannot but admire the wonderful work done by the Committee and their special understanding of the needs for protecting civilians in time of war.

After considering the Draft Rules as they are being presented, it is rather difficult for us to modify the draft. We do not feel any need to add any clause or to change the nature of the rules. Therefore, I am glad to state that the Indonesian Government's delegation, and the Indonesian

Red Cross Delegation as well, have decided to accept the draft rules without alteration.

In accepting the Draft Rules, it is understood by both the Delegations that in connection with the use of prohibited weapons as specified in article 14 of the Draft, the use of atomic weapons is not excluded. Thank you, Mr. Chairman.

Mr. A. SHIGEMITSU (Japan. Government) -

Mr. Chairman, Ladies and Gentlemen: The Government of Japan is thankful and appreciates the efforts of the ICRC shown in the formulation of the Draft Rules for the limitation of the dangers incurred by the civilian population in time of war. I would like here to express briefly the general view of the Government of Japan about the draft resolution and the draft rules now before us.

It is widely known that one can hardly find at present any international rule governing aerial warfare and the use of long-distance weapons. Matters in these spheres are left to the discretion of the parties concerned. As stated in the preamble of these Draft Rules, all nations are firmly convinced that war should be banned as a means of settlement of disputes between man and man. On the other hand, however, no one can assure that there will be no hostilities in the future. Should hostilities break out, there will be serious dangers, for the development of weapons and conclusion of treaties are completely left to the discretion of the parties concerned. Rules of some kind for limiting the means and methods of conducting hostilities are urgently required in view of the frightful developments of new weapons in recent days. Such being the case, I think it is really appropriate and not exceeding its duty that the ICRC, which is always much concerned with the protection of war victims and has enough experience and ability for it, is charged with the framing of this draft.

Concerning the contents of this draft, there are different opinions in some respects, but as a whole, it is an excellent result of the deep research of prominent publicists and experienced experts nominated by the National Red Cross Society. Of course, it is reflecting the ideas of Government to some extent and all the Governments, including my Government, have the complete freedom to ask for the amendment of any part of the rules in the future.

I am confident that, compared to the sort of rules we have had in the past, this is far better and more appropriate to the situation of the present age. I honestly wish that this Draft will be adopted at this conference as it is and then brought to a formal diplomatic instrument in the near future. Even if there is a situation showing no considerable progress in having an instrument due to later negotiations between the Governments concerned, once this Draft is adopted at this Conference of the Red Cross it will become a suggestion to definite rules for all

countries in the future. I have no doubt that it brings us a great substantial and spiritual effect on this point. I would like to mention that this kind of activity of the Red Cross has proved as effective and appropriate in the past, as the example of the draft rules of the Hague of 1923 would show.

Accordingly, no matter how it might be, we should do our best for the approval of those Draft Rules, and any step which would make difficult the approval of this Draft should be carefully avoided. From this point of view, I have the pleasure to support the proposal of the amendment of the resolution tabled here by the distinguished Judge Sandstroem and seconded by our Indian colleagues and many others. Thank you, Mr. Chairman.

Mrs. T. BARRY (Ireland, Red Cross) -

Mr. Chairman: I thank you for allowing me to come to the rostrum again.

To my mind, the ICRC has presented us with draft rules for the limitation of the dangers incurred by the civilian population during times of war. The Committee has presented us with a resolution which, to my mind, is very simple. It asks the Conference:

"Requests the International Committee of the Red Cross to continue its efforts, on the basis of these draft rules, to prepare the ground for an international agreement aimed at alleviating the evils of war, and

resolves that, for this purpose, the record of its discussions and the text of the proposals put forward by the Delegations shall be appended to the draft rules".

Now, the main amendment to this proposition comes from Judge Sandstroem in his capacity, as he stated, as President of the Swedish Red Cross. He asks us to agree that the Draft Rules, as they stand, should be sent to Governments for their consideration. With this, I regret, I cannot agree. I know that finally the agreement will have to go to Governments. But I think that if the ICRC were to forward the Draft Rules, as they are, to Governments and not append to them the record of the discussions and the texts of the proposals put forward by the Delegations in this Conference, the Red Cross would not have done its job and would lose its status in the world. I think, however, that the ICRC, the Chairman of this Commission and Judge Sandstroem should be asked to consult among themselves and present us with a resolution which would meet with the unanimous support of the members of this Conference. I propose that this Conference now ask them to do this. I ask this so that the world, which is looking to this Conference, will realise that we are united on a major problem. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

After listening to the Delegates for a day and a half, we hope to give you the content of a resolution which will represent the views expressed by the International Committee, by Judge Sandstroem's amendment, by the amendment of the Netherlands and other amendments that were suggested to this Commission, I do not know whether the document that will evolve, will be as satisfactory to the International Committee, as the document originally produced by it. It hope it will be sufficiently satisfactory to them. Let them consider whether it is satisfactory so that we can accomplish just what the last speaker had in mind. Of course, if there is one resolution on the subject of the complete Draft Rules, and if that is not acceptable to the Commission, then we proceed to discuss the amendments and the resolutions which have been presented in respect of different articles.

I will now call on the Polish Government Delegate, who has submitted some amendments and wishes to speak on those amendments. These amendments were handed over to us just before noon today. But the Polish Delegate wishes to speak on those amendments which have been submitted.

H. E. Dr. J. KATZ-SUCHY (Poland, Government) -

Mr. Chairman: I thank you first of all for your courtesy in giving me the floor again in order to explain the amendments which have been submitted by my Delegation (Document HR/32) to the draft resolution of the ICRC.

My Delegation, Mr. Chairman, has studied with careful attention all the statements which have been made here with regard to the position of this Conference and the future procedure, which has to be taken in respect of the Draft Rules submitted to this Conference. We specially listened to Judge Sandstroem and many others who pointed out the difficulties which we may have to face when trying to bring out of this Conference a unified text. In order to meet the various points of view which have been brought before this Conference, we have decided to give our support to the resolution of the Committee of the International Red Cross, with certain amendments however.

Our amendments, I think, have the possibility of unanimous acceptance. They take into consideration some reservations expressed by the representative of the Netherlands as well as, for instance, just a few minutes ago, those expressed by the representative of Ireland.

We think that while agreeing with Judge Sandstroem and others that the Draft Rules have to be submitted to the Governments for consideration, study and remarks, at the same time, a possibility of continuing the work in preparing them, and reaching a final draft, which will be the

subject of discussion by the Diplomatic Conference, should be maintained. Therefore, we consider that it should be the duty of the Governments to give their views and it should be the duty of the ICRC on the basis of those views to prepare an international agreement in alleviating the evils of war. We consider, at the same time, that this debate, which has produced many points of view - some of them divergent - has given valuable material, which should be used by the Governments and the International Committee of the Red Cross, when reviewing the draft. We consider that those views should be incorporated in the resolution in a certain manner. Otherwise, our discussion would be useless.

We, therefore, consider that the Conference in the first paragraph of the draft resolution submitted by the ICRC should take cognisance both of the draft rules as well as the amendments and views which have been put forward during the discussion. This is our first amendment. We consider that the recommendation to the Red Cross to continue its efforts to prepare the ground for an international agreement should include not only as a basis the draft which has already been discussed but also the amendments and views which have been submitted before this Conference. Finally, we add another paragraph at the end requesting the ICRC to submit these draft rules to all Governments for consideration and remarks.

I wish to assure you, Mr. Chairman, and the members of this Commission, that our main intention is to create a possibility for unanimous acceptance of the resolution, as well as to create a situation in which the views, proposals and amendments submitted to this Commission will find somewhere a place and could be taken into consideration when continuing the study of the problem. Thank you, Mr. Chairman.

H. E. Count G. d'ASPREMONT LYNDEN (Belgium, Government)  
(original French) -

Mr. Chairman, Ladies and Gentlemen: In the name of the Delegation of the Government of Belgium, I wish to give my entire support to the draft resolution submitted by the ICRC, with the amendments proposed by Judge Sandstroem and the Delegate for the Netherlands.

All of us here are full of admiration for the Draft Rules drawn up by the ICRC; we realise the enormous amount of work, knowledge and patience which goes into the drafting of rules to protect the civilian population from the sufferings caused by the use of modern weapons, whose effects are becoming more and more deadly, both in space and in time. It is really a dreadful prospect and it makes the human reason stagger to think that it is future generations which will perhaps suffer most from our present conflict.

Let us pay homage therefore to the learned and courageous men of the ICRC who, faithful to a tradition of nearly a century,



tenaciously pursue the Herculean task of preventing mankind suffering too much from the consequences of its own folly. I am sure you will agree with me that war, which was never a splendid thing in the past, even when waged with bows and arrows, has, with atomic weapons, today become purely and simply a form of madness. The authors of the Draft Rules therefore deserve our gratitude, and for that reason I entirely approve of the resolution submitted by Mr. Siordet in the name of the ICRC.

As the representative of Belgium, I should also like to pay an official tribute of gratitude on behalf of the Belgian people for all the International Committee in Geneva did during the war for the people of Belgium who suffered through famine and enemy occupation; the International Committee never ceased its efforts to alleviate the suffering of the Belgian people.

Nevertheless, besides the nobility of this task, I am greatly impressed by the difficulty of this undertaking. Many speakers, more competent than I, yesterday analysed the Draft Rules before you, article by article and in some cases word by word. In some they found deficiencies, in others a weak legal point. Some provisions did not seem to them to be effective enough, others appeared to be difficult to apply in the cold reality of a conflict.

I have followed with special interest the very realistic criticism of General Schepers of the Netherlands Red Cross. It appears therefore that the drafting of rules in their final form, to provide a minimum of efficient protection in modern warfare for the civilian population, cannot be done entirely by the International Committee of the Red Cross, however zealous and competent it may be. Still less could it be thought that, according to the proposals of some delegations, the present meeting could make any great improvement to the text of the ICRC Draft. We must inevitably have recourse to the co-operation of Governments.

For this reason I entirely approve of Judge Sandstroem's amendment which suggests that the Draft Rules of the ICRC should be submitted to Governments for careful examination.

On the other hand, it would be ungrateful, I may even say foolish, to forgo the enlightened aid of the International Committee in Geneva, which has dealt with such competence and such great detail with the task we have undertaken. I also agree, therefore, with the amendment submitted by the delegate of the Netherlands Red Cross which invites the International Committee to continue its efforts for the protection of the civilian population in time of war. It is only through the close co-operation of the Geneva Committee and Governments that we may hope, in the end, to draft practical and efficient rules to protect unfortunate humanity from the horrors of modern warfare. Thank you, Mr. Chairman.

Mr. B. D. ZOHRAB (New Zealand, Government) -

Mr. Chairman and Fellow Delegates: I have no wish at this stage to prolong the discussion of the Commission. I wish to put very briefly indeed the position of my Government on the Draft Rules. My delegation has followed with the greatest interest the discussions on this subject which is of such vital importance and profound significance to us all.

I should like to join in congratulating the International Committee and those associated with it in the preparation of the Draft Rules. This is indeed a real contribution and a real accomplishment. At the same time, there are evidently some articles on which governments will have serious reservations. The delegate from the Netherlands has laid stress forcefully on some of them. It seems to my delegation that it is very doubtful if this is the appropriate time for the examination of these rules to be pursued here. We all know that the General Assembly of the United Nations is discussing issues that lie right at the heart of the Draft Rules. Our discussions, moreover, have shown that it would take indeed many days, if not weeks, for this Conference to reach agreed conclusions on the text.

Therefore, my delegation supports the Resolution of the ICRC, with the amendments proposed by the delegation of the Scandinavian countries, with the amendment submitted this morning by the representative of the Netherlands Red Cross. I am happy to say that the New Zealand Red Cross delegation shares these views. Thank you, Mr. Chairman.

(The meeting was suspended for 15 minutes)

Dr. V. PALMA LIMA FILHO (Brazil, Government and Red Cross)  
(original Portuguese interpreted into English) -

Mr. Chairman, Ladies and Gentlemen: The Brazilian Delegation here represents the Brazilian Government and the Brazilian Red Cross and it wishes to make a rapid commentary. It entirely supports the resolution of the International Committee. My speech will try to be as brief as possible.

The Brazilian Delegation has followed the work of this Conference and of this Commission with great attention since its beginning and has observed various tendencies that have revealed themselves during the speeches. They hoped that the approval of the excellent work of the International Committee would be unanimous since the draft had been sent some time back to all the Governments and Red Cross Societies asking for their suggestions.

The Brazilian Delegation arrived here with the intention of voting without any restriction the original text of the draft rules. However, in accordance with its traditional spirit of compromise which must always be present in all our deliberations in the Red Cross, the Brazilian Delegation does not see any objection to the reconsideration to a certain extent of its original intention.

In fact, the Brazilian proposal which had been unanimously approved in Oslo made reference to an additional text to the existing conventions to be prepared by experts of the International Committee and which seemed to render unnecessary a further diplomatic conference, since they would simply have needed the homologation of the signatories of this Convention.

The debate which has taken place here, nevertheless, has shown that there is not a general unanimity on the text presented by the International Committee. Opinions have been divided, it not being possible to evolve a conciliatory solution. As, however, this is a most important point in the work of the Conference, it would not be reasonable, now that the world's eyes are on us, for us to put it off, for which reason the Brazilian Delegation and the Brazilian Red Cross submit the following proposal:

"The Conference resolves to approve, without modification, the draft rules for the risks run by the civilian population in time of war prepared by the International Committee and suggests that there be called a diplomatic conference for the special purpose of these draft rules being studied by the Governments. This Conference accepts in advance any alteration that may be made in the text as regards any political or military matters which may be examined".

Thank you, Mr. Chairman.

Dr. W. CECH (Czechoslovakia, Government) (original French) -

Mr. Chairman: My remarks will be very brief, as I merely wish to draw attention to the fact that a slight error has been made in Document HR/21, which states that the Conference Bureau decided, at its meeting on Tuesday, to add to the Agenda three draft resolutions concerning Item 2, which refers to the "Draft Rules for the Protection of the Civilian Population from the Dangers of Indiscriminate Warfare". The exact wording in Item 2 is "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War".

The three draft resolutions include a draft amendment of the

Czechoslovak Delegation concerning the Preamble and Article 14 of the Draft Rules (Document HR/14).

The same applies, of course, to the draft resolution of the Delegation of the German Democratic Republic (Document HR/10) which has authorised me to speak on its behalf in pointing out the error in document HR/21. This error was caused, we think, by the fact that the proposals submitted to the Secretariat on Monday morning have not, unfortunately, yet been distributed to the delegates present at the Conference, or made available for the discussions of our Commission.

The Delegation of the Czechoslovak Republic and of the Czechoslovak Red Cross considers therefore, for the sake of order, that the draft resolutions should be distributed in good time to enable the Commission to express its views thereon.

The suggestion that the amendments and the opinions expressed should be co-ordinated and a memorandum drafted for our Commission concerning all matters relating to Item 2 of the Agenda, are, in the opinion of the Czechoslovak Delegation, fully justified. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

If there has been a mistake in copying documents, the mistake will be corrected. The Secretariat is doing its best to get these documents to you as quickly as possible, and any mistakes that have been made will be corrected, now that attention has been drawn to this.

I have a motion of closure before the Commission which asks that the debate on the draft rules cease with the Delegates who have now given their names asking to speak. I think the Swiss Government Delegation also wishes to speak. I will now call on the Delegate from Spain.

H. E. Count de ARTAZA (Spain, Government) (original Spanish) -

Mr. Chairman, Fellow Delegates: I will bow to the wishes of the Chair and remain brief. The Government of Spain and the Spanish Red Cross Society recognize and see with pleasure all these steps to preserve peace and thereby to save human lives. In view of the complexity of the subject, the Spanish Delegation considers that the Draft Rules must be submitted to Governments for their consideration and later form the subject of international agreements. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

The remaining speakers are from Ethiopia, and the Swiss Government, and Ambassador François-Poncet. I have the motion for closure before me, and it has been advanced by five countries. Does the Commission approve of it?

Since there is no objection, I declare the motion carried.

Mr. K. ABOZIN (Ethiopia, Red Cross) -

Mr. Chairman, Excellencies, Ladies and Gentlemen: For a period of over 90 years, the task of the Red Cross has been declared and re-declared by its constitution and various conventions. This declaration of the Red Cross had been confirmed and carried out by its honest outstanding loyal servants, for many years.

The task of the Red Cross which has been declared by its statutes and that has been carried out by its loyal servants is to mitigate sufferings.

If I am not mistaken the same task that has been declared by the Red Cross over 90 years ago has now come up in this Hall for further discussions.

Mr. Chairman, Excellencies, Ladies and Gentlemen, our sphere is suffering physically and mentally; therefore it is now up to the Red Cross to mitigate both sufferings, as it has been pleaded for by one of the greatest Statesmen of our era, Prime Minister Nehru. The world is suffering mentally as far as nuclear weapons are concerned. Therefore, on behalf of the Ethiopian Red Cross Society, I ask the draft resolution, we have debated upon, be passed in principle and forwarded to the Governments for their opinion. In conclusion I entirely agree with the President of Swedish Red Cross for the amendments he has proposed. Thank you, Mr. Chairman.

H. E. Mr. J. de RHAM (Switzerland, Government) - (original French) -

Mr. Chairman; Several speakers have already expressed their views on the subject of the Draft Rules and I do not intend, therefore, to open the discussion once more on this very important question. I merely wish to say, on behalf of the Swiss Delegation, that we are very grateful for the various efforts which have been made, here and there, to reconcile the divergent points of view in order to enable us to close our discussions and to adopt a resolution - if possible unanimously or with the approval of the majority. I should like to add, in this connection,

that the amendments placed before us do not seem to have taken all aspects of the matter into consideration and are not, perhaps, precise enough to prevent the Draft Rules being held up indefinitely, or for some long time, while being considered by the Governments, or the ICRC.

For this reason, I wish to read out a declaration of which the primary purpose is to enable us to provide for the continuation of the considerable work done so far and which should, at some future date, result in the drawing up of a valid instrument of international law. The text reads as follows:

"The Conference recommends that the Draft Rules, with the records of its discussions, be submitted immediately for the consideration of Governments, whose comments shall be transmitted, as early as possible, to the International Committee of the Red Cross, whose duty it shall be, as soon as the study of the matter is finished, to approach the Governments with a view to the conclusion of an international convention based on the Draft Rules".

Thank you, Mr. Chairman.

H. E. Mr. A. FRANÇOIS-PONCET ( French, Red Cross) (original French) -

Mr. Chairman, Ladies and Gentlemen: I have a feeling that we are on the point of coming to an agreement, not to be over-ambitions but at the same time not to indulge in mere pious hopes. We must find a happy medium.

Personally, I find the draft resolution submitted by the International Committee, with the amendment of the Scandinavian countries, satisfactory, and I am prepared to vote for it. Nevertheless, I should like to say that I find the text proposed to be somewhat vague. It is not strong enough drink, the tea is too weak, a dash or spirits should be added! Let me mix my metaphors and say that a little spice would not be amiss.

We must, after all, appear as what we are, that is, the spokesmen of world public opinion, and world public opinion would be very disappointed if our discussions merely resulted in mawkish phrases. I should like to see a little more flavouring, more spice, more pepper. That is why I suggest adding, at the beginning of the text, in the first paragraph:

"The XIXth International Conference of the Red Cross, convinced that it is interpreting the general feeling throughout the world which demands that effective measures be taken

to rid the peoples from the nightmare hanging over them of the threat of war, and the use of weapons of mass destruction".

That is the roll of the drum which should not be missing in a resolution which will bring our discussions to a close.

I will now continue, making use of the terms of the agenda you have before you. I should like, however, to make a few changes. Instead of saying "desirable", I should say "necessary", and, further on, in the last paragraph but one, instead of "requests the International Committee of the Red Cross" I suggest "gives a mandate to the International Committee to pursue its efforts to lessen the evils of war".

The term "desirable" is too mild; we have expressed wishes in previous Conferences which have not led to anything much. A useful result of this Conference would be to provide some stimulant or spur which would make Governments aware that, however difficult the task undertaken, an energetic effort must be made to overcome obstacles and to reach, without loss of time, a general agreement on disarmament which the people desire. The people have found in the Red Cross their natural spokesman; it is our duty to lend our voice in interpreting their wishes.

These are the changes I propose; they are on a very modest scale and only amount to a few words but, in my opinion, they give a different tone to the resolution placed before you, with which the majority of the delegates, and I myself, agree. Even if my few changes are not approved, I shall nevertheless give my vote on the text proposed and discussed which, on the whole, represents the feelings of the majority. However, I should like you to help me with a small blood transfusion for I should not like it to be said that we have produced a text which has no blood in its veins. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

Ladies and Gentlemen: Yesterday morning the Draft Rules were submitted by the ICRC and they presented a resolution with the content of which you are all familiar. We proceeded to discuss the resolution and in the course of the discussion, and later in the afternoon, there was an amendment submitted by Judge Sandstroem in his capacity as the President of the Swedish Red Cross and, I believe, it has the support of other Red Cross Societies. Further, this morning, we had an amendment from the Netherlands Red Cross.

I had ruled that other motions made or submitted would be tabled until we had dealt with the ICRC resolution dealing with the Rules as a whole and if the ICRC resolution was not passed, we would then

take up the matter of these further resolutions which dealt with particular articles in the draft rules.

I felt that, since we had only two amendments to the ICRC resolution and since many Delegates had expressed approval of the amendment submitted by Judge Sandstroem and many others had expressed approval of the amendment submitted by the Netherlands Delegate, it would be desirable to call together the ICRC, Judge Sandstroem and the Netherlands Delegate, which I arranged during the recess this morning. The meeting was held following the close of our session at one o'clock. Just before one o'clock, there was a further amendment submitted by the Lebanese Red Cross. So that you will understand my ruling to follow I will just read that amendment.

"Expresses the hope that the adoption of the rules by an international act constitutes a step towards the goal that humanity wants, the prohibition of experiments on nuclear weapons and the use of same, and a step towards the principal and supreme goal of humanity, the prohibition of war".

Now, I think the first part of that proposal would be easy to reconcile with anything we are discussing here. But the second part deals more particularly with another item of the agenda, item 6, - what is familiarly known as the Japanese resolution. That will be considered during the discussion on the Japanese resolution item No 6.

There were also placed on the Table, at noon, the amendments of the Polish Delegate. The Polish Delegate spoke on them this afternoon.

Now, I am going to suggest for the consideration of the Conference that a wish has been expressed that we should bring in a resolution to which everybody could subscribe. I would suggest that we form a drafting committee consisting of the representatives of the ICRC, Judge Sandstroem, the Delegate from the Netherlands, and the Delegate from Poland who was not present at our meeting at noon because we had not received his proposals until the last minute, and then to add taste and flavour to the resolution, we add to the drafting committee Ambassador François-Poncet.

We would endeavour to have a compromise resolution available - provided we agree ourselves - so that you can vote on it in the morning. We could not take the vote now because it would be improper to take the vote until you have an opportunity to examine the draft upon which the six persons agree - and that will not be available until the morning. I think, perhaps, you agree to my suggestion that these six persons including the Chairman constitute a drafting committee. We will examine these motions and will try to bring back to you something which is acceptable. Does that meet with the wishes of the Commission?



We will meet in the room of the Bureau. So, we will adjourn this Commission meeting now till 10 o'clock in the morning tomorrow. The gentlemen I have mentioned now will retire to the Bureau room - No 333 - so that we can present a united resolution to you in the morning.

(The meeting rose at 6.30 p. m. ) . /

F I F T H M E E T I N G

31 October 1957

(The meeting was opened at 10.10 a.m. by the Chairman,  
Mr. J. A. MacAulay)

Mr. J. A. MACAULAY (Chairman) -

Ladies and Gentlemen: There has been a document distributed bearing No HR/33. That is not the resolution which is being submitted by the drafting committee appointed last evening. This is a resolution the terms of which were agreed upon at a meeting yesterday at noon and attended by Judge E. Sandstroem, the ICRC, the Netherlands Delegation and the Chairman. That was before we had received the amendments of the Polish Delegation. That was going to come to the Conference as the Chairman's resolution, because the Chairman took the responsibility of calling all the parties who up to that time had submitted a motion or amendments to the motion. That was later supplanted by a resolution which is coming forward from the drafting committee, so that the document HR/33 is not the document which will be coming before the Commission for vote. The document which will be coming before the Commission for vote will be circulated later on this morning.

We will try and have it distributed before the coffee break. It will be numbered HR/35. We will give you an opportunity to read that document before we have the vote. Secondly, it will be impossible in any event to have the vote on the resolution until after coffee break and the vote on the resolution may conceivably not take place until the first matter of business this afternoon. We will proceed with the matter as hurriedly as possible. In HR/35 it may be necessary to change one or two words. It will be only one or two words and we will tell you that those changes are when you have these documents before you, so that you will be able to understand them. I would like the drafting committee to meet in the room to the right of the platform at coffee break.

We will now proceed with item 3 on the agenda which is the role of national Societies in the sphere of civilian protection.

.....

(The discussion concerning the Draft Rules was resumed at about 11.45 a.m.)

Mr. J. A. MACAULAY (Chairman) -

Ladies and Gentlemen; I have the English text of the resolution before me. The drafting committee saw this resolution in its entirety. The drafting committee met again this morning during the recess and it has now made certain changes. I will read the amended resolution and you may note them on your copies. I am reading the English text while the French text will be read by Mr. Wilhelm.

(The resolution "Document HR/35, see page 138 " with the amendments made by the Drafting Committee was read up by the Chairman in English and Mr. Wilhelm in French. The amendments are the following:

Paragraph 1: The words "... the general feeling throughout the world in requesting that effective measures be taken to rid the peoples from the nightmare hanging over them by the threat of war", were replaced by "... the general feeling throughout the world which demands that effective measures be taken to rid the peoples from the nightmare of the threat of war".

In addition the paragraph ends after the words "... the threat of war", the remainder of the sentence having been deleted.

Paragraph 3: The words "... is necessary" have been replaced by "... is highly desirable").

Mr. J. A. MACAULAY (Chairman) -

Now, you will recall that there were proposals or resolutions made by the Brazilian Delegation and the Swiss Delegation yesterday. But in the hope of reaching unanimity on this resolution which is now before you, as approved by the drafting committee, the Brazilian Delegation and the Swiss Delegation are not pressing their proposals before this body, but they are reserving the right to make a statement, not an amendment, when the resolution comes up before the Plenary Session. These two Delegations have taken this step in the hope that we can reach unanimity on the resolution that is before you, and we will now proceed to take the vote on this resolution.

I see that the USSR Delegate wishes to speak. Let me say to the USSR Delegate before he starts to speak that all delegations had full opportunity to make statements. Therefore, he can only speak on the wording of the resolution. We were hoping that it would not be necessary for any Delegate to speak on the resolution, as we have taken so much trouble to evolve this draft, and we were expecting, and still hope and urge, the Societies to unanimously give their vote.

Prof. G. MITEREV (U. S. S. R., Red Cross) (original Russian interpreted into English) -

Mr. Chairman: I would like to say a few words before you take the vote.

Our Delegation examined the text of the draft resolution presented by the drafting committee and considers it necessary to make the following statement. The main task of the present Conference, as was pointed out in the invitation to the Conference, was to elaborate the Draft Rules for the protection of the civilian population in time of armed conflict. In the course of the discussion on the draft rules submitted by the ICRC the Soviet Delegation proposed that our Conference, in conformity with the usual practice of the preparation of the Geneva Convention, should elaborate and prepare a more complete draft, so that in the future, on its basis, the Diplomatic Conference with the participation of the Governments could sign a new convention. In making this proposal the Soviet Delegation was guided by the humanitarian principles of the Red Cross which is called to protect the civilian population.

We state with great regret that the majority of the speakers from this rostrum did not agree with our proposal. To our great regret these Delegates emphasised, by all means, the difficulties which could have arisen if the Conference undertook to elaborate and prepare a more complete draft, and they refused to examine and to consider those valuable amendments which were given to the draft rules by a number of Delegations.

The draft resolution which we have before us envisages to entrust the ICRC to continue its efforts for the protection of the civilian population, and also to transmit the Draft Rules, the record of its discussions and the amendments to the Governments for their consideration. Though the Soviet Delegation thinks that this draft resolution does not fully correspond to our proposal, we still shall vote for this resolution, proceeding on the belief that the continuation of the work on these Draft Rules will help their improvement.

Besides, we consider it necessary to make the following amendment to paragraph 5 of the draft resolution. We suggest that in paragraph 5, after the words "evils of war", the addition of the words "and within the shortest time possible to prepare a more complete draft on the basis of the present Draft Rules and the amendments submitted to the Conference". We suggest this amendment because we want to have paragraph 5 formulated more concretely.

And the Soviet Delegates also greatly regret that there is not much flavour in this resolution which was suggested by Ambassador André François-Poncet and it does not add anything to the tea! We see that in the first paragraph of the resolution the words, "and the use in such a war of weapons of massive destruction" have been deleted and it reduces the vigour of this resolution to a considerable extent.

The change in the wording in paragraph 3 is also to be

referred to. The word "necessary" was substituted by the words "highly desirable". That also makes the resolution weaker. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I want to make an observation. I have been told by several Delegates that the Spanish text is not in order and that a better translation in Spanish from the English text or the French text could be given. I have assured the delegations concerned that the Spanish text will be corrected.

Now, the USSR Delegate said that they were going to vote for this resolution in the hope that unanimity could be reached. The Delegate suggested an amendment that in paragraph 5, after the words "against the evils of war, and", the words "and within the shortest time possible to prepare a more complete draft on the basis of the present Draft Rules and the amendments submitted at the Conference" be added. You will notice that in paragraph 6 of the resolution, there is a request, namely, "Requests the International Committee of the Red Cross, acting on behalf of the XIXth International Conference to transmit the Draft Rules, the record of its discussions, the text of the proposals, and the submitted amendments, to the Governments for their consideration".

So, everything that has been submitted to this Commission will be submitted to the International Committee which has been asked to forward it to the Governments.

I made the observation the other day that in making the rules we would not discuss the amendments to the particular articles unless the motion advanced by the ICRC, in the form in which it was submitted or in any amended form, was defeated. So, I want you to understand that once this resolution is voted on, if it is carried -I trust it will be carried unanimously, - that will be the end of the discussion on the Draft Rules.

The amendment now proposed by the Delegate of the USSR is similar to the suggestions or proposals made yesterday by the Brazilian Delegation and by the Swiss Delegation. As I announced, in the hope of reaching unanimity, on the subject, they are not pressing their proposals. I now have the amendment of the USSR before me and I am going to ask you to vote on that amendment now. The Czechoslovak Delegation wants to make a statement.

Dr. J. CECH (Czechoslovakia, Government) (original French) -

Mr. Chairman, Ladies and Gentlemen: On behalf of the Czechoslovak Delegation, representing the Government and the Red Cross Society, I wish to say a few words to explain our Delegation's vote.

When speaking yesterday, the Czechoslovak Delegation stressed how desirable it was that the Commission's discussions should result in a single text on the subject of the dangers incurred by the civilian population in war-time. May I, first of all, put the following question to the authors of the text? Why have the words "and the use of weapons of mass destruction" been omitted from the first paragraph, although, in Paragraph 5, we request the ICRC to pursue its efforts for the protection of the civilian population from the evils of war?

The Delegation of the Union of Soviet Socialist Republics has submitted an amendment to Article 5, inviting the International Committee to prepare a better version of the Draft Rules as rapidly as possible. The Czechoslovak Delegation is convinced that the amendment would lead to the following result: it would induce the ICRC to give close consideration to all the proposals and amendments submitted by the Delegations during the discussion on Item 2 of the Agenda. Therefore, the Czechoslovak Delegation supports the amendment submitted by the Soviet Delegation.

Nevertheless, in order to reach unanimity on the Draft Resolution issued - several paragraphs of which we view with great sympathy - the Czechoslovak Delegation is prepared vote for this Draft Resolution. Thank you, Mr. Chairman.

Mr. J. A. MACAULAY (Chairman) -

I may invite the attention of the Delegate from Czechoslovakia and point out that the drafting committee authorised the preparation of this draft and they saw the draft after it was drafted. The drafting committee felt that any further words beyond the "threat of war" were entirely unnecessary, because the "threat of war" means everything - that means war of every kind and nature. If we start to elaborate, we might be called to elaborate to an unlimited extent. In a sense, the whole fear has been expressed by "the nightmare hanging over us by the threat of war". The drafting committee considered that no further words are necessary in elaboration of it. If there is going to be any elaboration, there could be a very substantial elaboration.

I will now put the amendment submitted by the Delegate from the USSR. His amendment is, at the end of paragraph 5, to add the words, "and within the shortest time possible to prepare a more complete draft on the basis of the present Draft Rules and the amendments submitted at the Conference".

All those who are in favour of the amendment will please signify by raising their hands.

(The vote was taken)

Result: 24 in favour, 61 against and 8 abstentions. The amendment was rejected.

We shall now vote on the resolution.

(The vote was taken).

Result: 115 in favour, none against and 2 abstentions. The Resolution was adopted.

I think it is too late to take up another item of our Agenda. The meeting will be resumed at 3 p. m.

(The meeting adjourned at 1 p. m.)

B. - MINUTES OF THE PLENARY SESSIONS  
OF THE CONFERENCE DEVOTED  
TO DISCUSSION OF THE DRAFT RULES

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FIFTH PLENARY SESSION

6 November 1957, afternoon

(The session opened under the chairmanship of Rajkumari Amrit Kaur, Chairman of the Managing Body of the Indian Red Cross Society).

After considering other items on the agenda, the Conference began at approximately 5.30 p.m. its discussions of the Report of the International Humanitarian Law Commission, presented by Mr. Beer of the Swedish Red Cross, We give below the parts of the Report which concern the Draft Rules).

Mr. H. BEER (Rapporteur) -

.....

The second item on the agenda, after the election of officers, was the proposal of international Regulations concerning protection of civilian population against the dangers of indiscriminate warfare.

The basic document, the Draft Rules and the Commentary to these Rules, had been prepared by the ICRC and distributed a long time before the Conference to the Governments and Red Cross Societies.

The Committee proposed a resolution on the procedure to follow concerning the future treatment of the Draft Rules.

A number of amendments to this proposed resolution were presented by different delegations. Other delegations proposed amendments to the Draft Rules.

Different opinions were offered concerning the procedure to follow. A number of delegations wanted the Commission to study the Rules paragraph by paragraph. Others, among them the ICRC, stated that the final drafting and acceptance was a matter for the Governments



and that this Conference should limit itself to a debate of a more general nature. The chair ruled that a general debate should take place on the ICRC resolution, but every delegate was entitled to present, during this debate, remarks concerning special articles in the Draft Rules.

All that was said should be included in the verbatim reports of the deliberations of the Commission.

The Chair's ruling was upheld by the Commission.

The debate on this item continued for two full days. About fifty delegates took part in the discussion.

As mentioned before, a number of the delegations had presented formal amendments to the Draft Rules, including the German Democratic Republic, Rumania, Czechoslovakia, Hungary, Bulgaria, U. S. S. R., Austria and Poland.

To the resolution of the ICRC, concerning the procedure to follow after this Conference, amendments or alternate resolutions were proposed by the Danish, Finnish, Norwegian and Swedish Red Cross acting together and by the Polish Government, the Netherlands Red Cross, the Swiss Government and the Brazilian Red Cross.

On two occasions, the Chairman called special meetings to consider informal drafts. The Committees were composed of the delegates who had proposed resolutions and amendments. The final result of these efforts was the resolution you have before you, number 1, page 2 in Document P/20. In view of trying to reach unanimity, the authors of separate proposals who took part in the drafting withdrew their own resolutions. Only one amendment was presented to this final proposal of the drafting committee. The USSR wanted the International Committee to produce soonest a new draft on the basis of the present proposed Rules. This was defeated and afterwards, without anybody opposing, the resolution before you was adopted by the Commission. The wording of this resolution indicates all that was said during the debate shall be circulated to the governments, and it would also be communicated to the Red Cross Societies. This, and the fact that all delegations were present, has caused me to refrain from going into details of the debate. All of you have had, or will have, full opportunity to study the very important material brought before the Commission.

With your permission, Mme Chairman, I shall now proceed to read this resolution.

(Mr. Beer read the resolution under Document P/20, page 2 (see Page 141). This document contains the resolution adopted by the Commission on International Humanitarian Law concerning the Draft Rules).

Rajkumari AMRIT KAUR (Chairman) -

We must thank Mr. Beer for the excellent report that he has presented to us. I attended many meetings of this Commission and the spirit prevailing during the discussions was the real Red Cross spirit. The Yugoslav delegate wishes to speak on this report. Will he please come to the rostrum?

Mr. H. BEER (Rapporteur) -

May I respectfully mention that I am not yet ready with the report. I am ready with the first resolution and I propose that you will put to vote resolution after resolution.

Rajkumari AMRIT KAUR (Chairman) -

Supposing any delegate wants any clarification? I shall certainly put the resolution to vote, but in the meanwhile the Yugoslav Delegation wants to say something.

H. E. Dr. P. GREGORIC (Yugoslavia, Red Cross and Government) -

Madam President, Ladies and Gentlemen: Before we approach the acceptance of the resolution concerning the Draft Rules for the protection of civilian population elaborated by the ICRC, permit me to say a few words to explain the attitude of the Yugoslav Delegations, whose abstention in the Commission was commented by some Delegations as being not understandable.

Permit me to remind you that in the course of the discussion on these Draft Rules, I have taken the floor twice, in the beginning and in the second half. I spoke generally, with great optimism, because frankly speaking, I hoped that this first and important phase in the elaboration of the rules will be overcome with success. The Yugoslav Delegations without hesitation have greeted all the initiatives of the International Red Cross in the field of the development of all humanitarian rules, particularly those relating to the protection of the civilian population. We thought that the Geneva Conventions of 1949 have paved the way for further development of such rules. My country, which was the second, immediately after Switzerland, to ratify the Geneva Conventions, has always proved to be the supporter of all humanitarian actions and efforts of the International Red Cross. With such thoughts we have come to this Conference expecting satisfactory results.

Unfortunately, I must say that again, we consider that we did not find a satisfactory common language, a Red Cross language, and that with this resolution we fall short of the expectations that have been placed in the Red Cross in this field of action. In our opinion we did not progress but we have virtually let the thing go out of the hands of the International Red Cross. What have we done? We are returning again to the Governments these rules, to which they have had an opportunity to give their remarks in the preliminary phase and on this Conference. Furthermore, we do not foresee what other action is to be taken. That means that we are starting from the beginning, probably because we think this was not a good road which was followed. If that is the case, then we could say that openly.

We also do not understand the reason why we decided to discontinue the traditional way followed in the adoption of humanitarian rules, to entrust the International Committee with further work on the preparation of rules which are so necessary today when the civilian population is exposed to the dangers of modern war.

These were the reasons why the Yugoslav Delegations could not vote in favour of the resolution in the Commission. We must say that openly to this high forum.

However, today when we are on this plenary meeting where unanimity of views of all the participants of the Conference is essential, because millions of persons who wish for peace and security expect with impatience the results of this Conference, the Yugoslav Delegations are ready to vote in favour of the proposed resolution to show again their willingness to contribute to the unanimity of the Red Cross. Thank you, Mrs. Chairman.

H. E. Mr. P. RUEGGER (Switzerland, Government) (original French) -

Mrs. Chairman: The Chairman of the International Humanitarian Law Commission, when stating that the meeting of that Commission was closed, was good enough to say that the Swiss Government Delegation would be given the opportunity, at the Plenary Session, of defining its attitude concerning the amendment it had submitted. The Swiss Government Delegation, like the Brazilian Government Delegation, did not wish to insist, during the session of the International Humanitarian Law Commission, upon the discussion of its draft amendment.

Unanimity, so much to be desired, having been reached, thanks to considerable concessions on everyone's part, on the draft resolution before us, there was, and still is, cause for rejoicing that unanimous agreement has been achieved on a certain number of points, i. e. the opinion expressed by the Conference that the Draft Rules drawn up by the ICRC, following the resolution passed unanimously by the

Board of Governors at Oslo, are in accordance with the aspirations of the Red Cross; the mandate entrusted to the ICRC to transmit the Draft Rules once more to the Governments (a first draft has already been sent) in order to collect more substantial comments from them, and also - this is new and important - the fact that the ICRC has been asked to transmit to Governments all the proposals, remarks and suggestions made during the discussions of the Conference, and to continue its work for the protection of the civilian population. The Swiss Government Delegation understands this to mean that the Committee should continue its efforts with a view to drawing up a code of rules for such protection.

We thank the Rapporteur for alluding, in his report, to the amendments submitted. It seems to our Delegation that, although of appreciable value, the points set forth in the resolution on which the Conference is going to vote do not, perhaps, cover all future programmes, or even give the impetus required for appropriate action in future in a field of such vital importance. We realise, however, that a real foundation has been laid for the continuation of the efforts undertaken and wish to express once more our satisfaction that unanimous agreement has been reached.

In voting in the resolution submitted to the Conference, the Swiss Government Delegation feels that it is its duty to draw attention to points which have not been given general consideration during the meetings of the Commission, perhaps because they fell within the competence of Governments. Nevertheless, in view of the long time which will elapse before the next International Conference is held, we feel that those points should be discussed here, since the record of our discussions will also be transmitted to the Governments which will be concerned with the matter; the points referred to are -

(1) - The amendment submitted by our Delegation - I am not submitting it anew but I wish to stress its aim and scope - was mainly intended to supplement the procedure provided for the consultation of Governments on the subject. This consultation should enable the ICRC to bring together the authoritative opinions of all concerned within, we hope, the shortest possible time. In our opinion it is obvious (although we should have preferred it to be stipulated beforehand) that all steps should be taken in due course to enable rules for the protection of the civilian population to become, as soon as circumstances allow, an instrument of international law. It is only thus that through this Conference - and the impetus given by such Conferences - that a useful, if not important or decisive, stage will have been reached in drawing up rules of international law to protect the civilian population.

(2) - I believe that it is necessary (and this should also be mentioned in the record going to Governments) to make clear the difference between the efforts made by the Red Cross and the discussion in other organisations of certain factors which might, indirectly, lead to the protection of the civilian population by the limitation, so much desired, of the dangers incurred. In this respect, it seems to me that some misunderstanding may have occurred; some eminent speakers have said - and

it is true - that the United Nations Disarmament Commission is discussing the matter, previously discussed by the Sub-Committee on Disarmament in London; one of our resolution expresses the wish of the Red Cross to see all the efforts in this direction crowned with success. It is quite evident, however, that the specific question of the protection of population will not be the first care of official bodies called upon to study and negotiate the limitation of armaments, or other current questions of a particularly topical nature.

As regards the protection of the civilian population, the Red Cross will, and should, continue to have its say, whatever the means chosen (development of the law embodied in the Hague Conventions, or of the Geneva Conventions) to ensure, increase and strengthen the protection of the civilian population.

My speech has been rather long, Mrs. Chairman, but for the reasons I have stated it was necessary to stress - rather for the benefit of the Governments which will read our documents than for the Conference - the words intended for Governments and in particular those who will be called upon when the time comes to give full support to the attempts to transform into a rule of international law the lofty programme outlined in the documents submitted by the ICRC. Thank you, Mrs. Chairman.

Rajkumari AMRIT KAUR (Chairman) -

Does any other delegate wish to speak on this resolution?

If nobody wishes to speak, we shall vote on it,

(The vote was taken. The resolution was adopted by 110 votes, without opposition or abstention).

Mr. F. SIORDET (Vice-President of the ICRC) (original French) -

Mrs. Chairman, Ladies and Gentlemen: The International Committee notes the resolution which has just been unanimously adopted and accepts the double mandate which you have entrusted to it, i. e. : to transmit the resolution to Governments, with the record of the discussions and the proposals made; to continue its efforts for the protection of the civilian population against the evils of war.

I should like to assure the Conference that the International Committee, conscious of its solemn duty and the realities with which it has to deal, will continue its work with all the careful attention required and will, in particular, continue to make it a joint task. It thanks

in advance the National Societies which will give it their co-operation, as they have done with such valuable results hitherto.

In this connection, I wish to say, on behalf of the International Committee, how greatly we regret the loss of Surgeon-General Costedoat, who passed away so suddenly at the beginning of the Conference. It is our duty to pay a tribute to his memory since, as one of the experts delegated to Geneva by the National Societies, he played a considerable part in our work, giving us the benefit of his great intelligence, good-fellowship and keen awareness of the difficulties we had to overcome. The International Committee of the Red Cross feels that it cannot record the result of the vote just taken without paying homage to one who may be considered as a co-author of the Draft Rules. Thank you, Mrs. Chairman.

(The Conference then continued its consideration of the Report of the International Humanitarian Law Commission).

## SIXTH PLENARY SESSION

7 November 1957, morning

(At the beginning of the Plenary Session the Conference, with Rajkumari Amrit Kaur in the chair, continued the study of the report of the Commission of International Humanitarian Law. Following this study the delegate for Brazil, Mr. Sloper, proposed that the report should be adopted as it stood. His speech which dealt mainly with the Draft Rules is given below).

Mr. T. SLOPER (Brazil, Red Cross and Government) -

Mr. Chairman, Ladies and Gentlemen: In moving the adoption of the whole of the report of the Commission on International Humanitarian Law, I wish to express the satisfaction of my Society which, I am sure, is shared by all Delegations present at this Conference at having given a unanimous expression of the will of the Conference in voting the resolution on the Draft Rules without a single dissenting voice. This was indeed the most important point on the agenda of our Conference and I wish to associate myself with the words of Ambassador Ruegger, Head of the Swiss Government Delegation, expressing the earnest hope that the Governments will give their careful and urgent attention to these Draft Rules, and express also that certain omissions in this draft will be met with in practice on the basis of answers received and work done by the International Committee.

And we hope Governments particularly interested in humanitarian law will be able to second the efforts of the Red Cross, in order that this resolution may be submitted to a Conference of Governments, so that an international instrument may be prepared and signed at the earliest possible moment. We earnestly hope that this will take place before our next International Conference of the Red Cross.

I formally propose the adoption of the whole of the report of the Commission which has been so ably and clearly put before this Conference by Mr. Beer. Thank you, Mrs. Chairman.

(The report as it stood was voted upon and adopted unanimously by the Conference which then passed on to another item of the Agenda).





Final Record of the proceedings of the XIX International  
Conference of the Red Cross concerning the  
Draft Rules for the Limitation of the Dangers  
incurred by the Civilian Population in time of War

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II. - AMENDMENTS AND OTHER TEXTS CONCERNING THE  
DRAFT RULES DISTRIBUTED TO THE DELEGATES



Commission on International Humanitarian Law  
(Item 2 of the Agenda)

\* \* \* \*

DRAFT RESOLUTION

Submitted by the International Committee of the Red Cross

The XIXth International Red Cross Conference,

Having taken cognizance of the "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War", drawn up by the International Committee of the Red Cross, following a request by the Board of Governors of the League, meeting at Oslo in 1954,

Considers that a set of rules revising and extending those previously accepted is desirable as a measure of protection for the civilian population, if a conflict should unfortunately break out,

Deems that the underlying principles of the draft submitted are in conformity with Red Cross ideals and the requirements of humanity,

Requests the International Committee of the Red Cross to continue its efforts, on the basis of these Draft Rules, to prepare the ground for an international agreement aimed at alleviating the evils of war, and

Resolves that, for this purpose, the record of its discussions and the text of the proposals put forward by the delegations shall be appended to the Draft Rules.

\* \* \* \*

122.

HR/7  
French

Commission on International Humanitarian Law  
(Item 2 of the Agenda)

\* \* \* \*

Presentation by the International Committee of the Red  
Cross of the Draft Rules and the Draft Resolution HR/6.

(This document is the exact text of the speech made by  
Mr. Siordet, Vice -President of the ICRC, at the first meeting of the  
Commission on October 29th. The text of this speech is to be found on  
pages 7 to 11).

\*\*\*\*

## Commission on International Humanitarian Law

(Item 2 of the Agenda)

\* \* \* \*

Draft Rules for the Limitation of the Dangers incurred by  
the Civilian Population in Time of War

## Proposed Amendment

submitted by the Delegation of the German Democratic Republic

Preamble - to replace the first paragraph by the following:

"In view of the requirements of all peoples for a pacific settlement of all international differences,

In view of the prohibition of intimidation by armed force and recourse to violence for the settlement of such differences, as set forth by the Charter of the United Nations ,

and in view of the people's wish for these principles to be respected".

Article 6 - to delete the following words in the first paragraph:

".... as such, ....

Article 14 - to replace the first paragraph by the following:

"In order to safeguard the civilian population from attacks whose effects are unforeseen or uncontrollable - without prejudice to any existing or future prohibition concerning certain methods of warfare - it is forbidden to employ chemical, bacteriological and radioactive weapons, as well as other weapons which could escape, in space or in time, from the control of those who employ them, and which by their very nature, would result in causing serious injury to the civilian population or future generations.

\* \* \* \*

Commission on International Humanitarian Law  
(Item 2 of the Agenda)

\*\*\*\*

Draft Rules for the Limitation of the Dangers incurred by the  
Civilian Population in Time of War

The Rumanian Red Cross Delegation proposes that the  
text of Article 14 be revised and condensed to read as follows:

"Without prejudice to the present or future  
prohibition of certain specific weapons, the use is  
prohibited of thermo-nuclear weapons of every kind,  
be they employed by air, at sea or on land, of bac-  
teriological and chemical weapons, and of all other  
weapons whose destructive effects endanger the ci-  
vilian population".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

\*\*\*\*

Amendments concerning the Draft Rules for the Limitation of the Risks incurred by the Civilian Population in time of war, submitted by the Czechoslovak Delegation.

Preamble

To start the first paragraph as follows:

"Although all nations are animated by the desire to abolish war and are ...."

To complete the first paragraph as follows:

".... disputes between man and man arising, in particular from the outbreak of an aggression which, according to the valid rules of international law, represents a crime, and that the principle of settling international disputes by pacific means, and of averting threats of violence and the use of force is set forth in the Charter of the United Nations".

To complete the last paragraph as follows:

".... resulting from established usage between civilised nations, the laws of humanity and the demands of world conscience".

Article 14

To replace the first paragraph by the following text:

"In agreement with the existing rules concerning the moderation of the effects of war, it is forbidden to employ nuclear and bacteriological weapons, and poisonous substances, as well as all weapons whose harmful effects could spread to an unforeseen degree or escape, in space or in time, from the control of those who employ them; thus endangering the civilian population".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Proposed Amendments to the Draft Rules for the limitation of the  
Dangers incurred by the Civilian Population in Time of War

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Submitted by the Hungarian Delegation

Article 7 (third paragraph)

We suggest that the text should be amended as from the words "offers no . . ." and that the following be substituted

"... would be out of proportion to the military advantage expected".

Article 1 (second paragraph)

We suggest to insert after the words "detailed expression" the words "and is sanctioned".

Article 6

We suggest the deletion

from the first paragraph of the words "as such " ;  
from the second paragraph of the word "exclusive".

Article 13

We suggest that this Article should be completed by a second paragraph as follows:

"If, in such case, the enemy does not refrain from the attack, he is required, in executing it, to observe the precautionary measures set forth under items (a) and (c) of Article 8, as well as in Article 10".

Article 17

We suggest that this article should be deleted.



## Commission on International Humanitarian Law

## (Item 2 of the Agenda)

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Proposed Amendments to the Draft Rules for the Limitation of the  
Dangers incurred by the Civilian Population in Time of War submitted  
by the Bulgarian Delegation

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The Bulgarian Red Cross proposes that the two following additions be made to Article 6 of the Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War:

- (a) the words: "buildings which house children" to precede "means of transport" in paragraph 2 of Article 6.
- (b) a new fourth paragraph, worded as follows, to be added to Article 6:

"Attacks are also prohibited against the personnel of National Red Cross Societies and of other voluntary relief Societies which are duly recognised and authorised by their Governments and engaged in the search for and the carrying, transport and treatment of the wounded and sick or in the prevention of disease among the civilian population in time of war".

If our proposal is accepted, Article 6 will read as follows:

"Attacks directed against the civilian population, as such, whether with the object of terrorizing it or for any other reason, are prohibited. This prohibition applies both to attacks on individuals and to those directed against groups.

In consequence, it is also forbidden to attack dwellings, installations, buildings which house children or means of transport, which are for the exclusive use of, and occupied by, the civilian population.

Nevertheless, should members of the civilian population, Article 11 notwithstanding, be within or in close proximity to a military objective they must accept the risks resulting from an attack directed against that objective.

Attacks are also prohibited against the personnel of National Red Cross Societies and of other voluntary relief Societies which are duly recognised and authorised by their Governments and engaged in the search for and the carrying, transport and treatment of the wounded and sick or in the prevention of disease among the civilian population in time of war".

Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Draft Rules for the Limitation of the Dangers Incurred by  
the Civilian Population in Time of War

Proposed amendment

submitted by the delegation of the Alliance of Red Cross  
and Red Crescent Societies of the USSR

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(1) Paragraph (a) of Article 2 to be re-worded to read as follows:

(a) In the event of war being declared or of any other kind of armed conflict breaking out between two or more of States conforming to the present Rules even though the state of war be not recognised by one of the Parties to the conflict;

If one of the Parties to the conflict is not signatory to the present Rules, the Parties to the conflict nevertheless remain bound by the present Rules in their dealings with each other;

They will also be bound by the present Rules vis-a-vis the above mentioned Party, if the latter accepts and carries out (applies) the provisions made in the present Rules.

(2) A new article, worded as follows, to be added to the Rules to follow Article 4):

"The present Rules shall apply to the whole civilian populations, without any discrimination as regards race, colour, religion, or any other similar distinction".

(3) The following sentence to be added to the second paragraph of Article 7:

"The list of these categories is not restricted and must be revised every .... years".

(4) Article 14. Art. 14 to read as follows:

"Without prejudice to the present or future prohibition of certain specific weapons, the use of the following during an armed conflict is categorically prohibited.

- (a) Atomic and hydrogen weapons,
- (b) chemical and bacteriological weapons,
- (c) all other weapons which cause mass destruction.

This prohibition also applies to delayed-action weapons, the dangerous effects of which are liable to be felt by the civilian population".

(5) Article 17 - Article 17 to read as follows:

"In order to safeguard the civilian population from the dangers that might result from the destruction of engineering works or installations - such as hydro-electric dams, nuclear power stations or dikes - through the releasing of natural or artificial forces, the destruction of such works intended for peaceful purposes is prohibited in all circumstances.

The Governments or Parties concerned are invited to agree, in time of war, to confer special immunity on those works and installations which no longer have any connection with the conduct of military operations.

The preceding stipulations shall not release the Parties to the conflict from the obligation to take the precautions required by the general provisions of the present Rules, under Article 8 to 11 in particular".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Amendments to the Draft Rules for the Limitation of the Dangers  
incurred by the Civilian Population in Time of War

Presented by the Delegation of Poland

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Preamble

After paragraph one add the following new paragraph:

"According to the binding principles of International Law, in particular to the principles of the Charter of the United Nations, war is banned as a means of settling disputes between states".

Article 2

In point (a), first line, add "international" after "any other".

Article 3

In the first line add "all" after "apply to".

Article 4

In point (a), first and second lines, delete "or complementary".

Article 5

In the third line delete "expressly".

Article 14

In the first paragraph, second line, replace "the use is" by "the use, storing and tests are".

In the second paragraph, first line, add "or hidden" after "delayed-action".

Article 15

In the first paragraph, third line, add "together with the description of the ways of rendering the mines harmless", between "The charts" and "shall be".

Article 16

In the first paragraph, third line, delete "to reply, and if it agrees".

In the first paragraph, fourth line, add "if this locality satisfies the conditions mentioned under points (a) to (d) below, and" after "an open town".

In the third paragraph, first and second lines, replace "make the recognition of the status of" open town "conditional upon" by "demand".

In the fifth paragraph, last line, add, "and to fulfil all conditions arising from the present Rules and from all other rules of International Law" after "accordingly".

Article 20

Add at the beginning the following new paragraph:

"All States or Parties concerned shall introduce legal provisions bringing into force on their respective territories the present Rules and establishing penal sanctions against persons having committed, or ordered to be committed, any infringement of the present Rules".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Draft Rules for the Limitation of the Dangers incurred by the Civilian  
Population in Time of War

Draft Resolution presented by the Delegation of Austria

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The Delegation of the Federal Government of Austria to the XIXth International Red Cross Conference proposes that the text of Articles 12 and 19 of the Draft Rules should be revised along the lines indicated below:

Article 12

It is suggested to extend the scope of the Fourth Geneva Convention of August 12, 1949, and to allow special immunity to those organisations for the protection of civilians which clearly have the character of relief organisations. Such immunity should be granted generally and not only on the strength of bilateral agreements, and e. g. to organisations in charge of the social care of the civilian population, the clearance and repair squads, the fire brigades, and the veterinary units. It is further suggested that these organisations should be given special distinctive badges; and that these badges should be a yellow cross formed by two intersecting oblique beams (X-shape, like St. Andrew's Cross).

Article 19

The Regulations suggested in this Article are to be amended to the effect that persecutions, investigations, trials and verdicts are to be carried out by international law courts or commissions, and not by the other party in the conflict. States or parties concerned by the conflict should not be represented in these law courts or commissions.

The present formulation of the Articles according to which the soldiers of all the States or parties concerned by the conflict could be persecuted and extradited is to be rejected.

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Amendments presented by the Red Cross Societies of Denmark, Finland, Norway and Sweden, to the Draft Resolution submitted by the International Committee of the Red Cross (HR/6):

Paragraph 3, beginning "Deems that ..." "... The words "underlying principles" to be deleted and replaced by the word "objectives".

Paragraph 4, to be deleted and replaced by the following text:

"Transmits the Draft Rules to the Governments for their consideration".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Draft Sub-amendment with regard to amendments submitted by  
Judge Samdstroem on the Draft  
Resolution of the ICRC (HR/6)

Submitted by the Netherlands Delegation

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It is proposed to delete paragraph 4 of the Draft Resolution submitted by the ICRC and to substitute for it the following paragraph:

"Requests the International Committee of the Red Cross to continue its efforts for the protection of the civilian population in alleviating the evils of war".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Amendments to the Draft Resolution submitted by the Inter-  
national Committee of the Red Cross  
(HR/6)

Submitted by the Delegation of Poland

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In Paragraph one, fifth line, after "at Oslo in 1954" add the following words: "and of the amendments and views presented during the discussion".

In Paragraph four, third line, after "these Draft Rules" add the following words: "and the amendments submitted",

At the end of the Resolution add a new following paragraph:

"Requests the International Committee of the Red Cross to submit these Draft Rules to all Governments for their consideration and remarks".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Draft Resolution

Submitted by the Chairman of the Commission

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"The XIXth International Red Cross Conference,

(1) - Having taken cognizance of the "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War", drawn up by the International Committee of the Red Cross, following a request by the Board of Governors of the League, meeting at Oslo in 1954,

(2) - Considers that a set of rules revising and extending those previously accepted is desirable as a measure of protection for the civilian population, if a conflict should unfortunately break out,

(3) - Deems that the objectives of the draft submitted are in confirmity with Red Cross ideals and the requirements of humanity,

(4) - Requests the ICRC, acting on behalf of the XIXth International Conference, to transmit the Draft Rules to the Governments for their consideration,

(5) - Furthermore requests the International Committee of the Red Cross to continue its efforts for the protection of the civilian population against the evils of war, and

(6) - Resolves that the record of its discussions and the text of the proposals put forward by the Delegations shall be appended to the Draft Rules".

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Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Draft Resolution submitted by the Drafting Committee

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The XIXth International Red Cross Conference,

(1) - Convinced that it is interpreting the general feeling throughout the world in requesting that effective measures be taken to rid the peoples from the the nightmare hanging over them by the threat of war and the use in such a war of weapons of massive destruction,

(2) - Having taken cognizance of the "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War", drawn up by the International Committee of the Red Cross, following a request by the Board of Governors of the League, meeting at Oslo in 1954,

(3) - Considers that a set of rules revising and extending those previously accepted is necessary as a measure of protection for the civilian population, if a conflict should unfortunately break out ,

(4) - Deems that the objectives of the Draft Rules submitted are in conformity with Red Cross ideals and the requirements of humanity,

(5) - Urges the International Committee of the Red Cross to continue its efforts for the protection of the civilian population against the evils of war, and

(6) - Requests the International Committee of the Red Cross, acting on behalf of the XIXth International Conference, to transmit the Draft Rules, the record of its discussions, the text of the proposals, and the submitted amendments, to the Governments for their consideration.

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HR/39  
French

Commission on International Humanitarian Law  
(Item 2 of the Agenda)

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Draft Resolution  
submitted by the Delegation of the Swiss Government

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"The Conference recommends that the draft Regulations, to which the minutes of the discussions will be attached, be urgently studied by the Governments, which will communicate their observations to the ICRC with the shortest possible delay. As soon as this study has been completed, the latter will approach the Governments with a view to transforming the draft Regulations into an instrument of International Law".

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XIX International Conference of the Red Cross

Report of the Commission on International  
Humanitarian Law

Extract concerning the Draft Rules

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(The part of this report which concerns the Draft Rules was referred to by the rapporteur during the Plenary Meeting in the afternoon of November 6; the full text of this extract is given in pages 110-111).

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XIXth International Conference of the Red Cross

Plenary Sessions

Resolutions adopted by the  
Commission on International Humanitarian Law

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.....

RHR/1 Draft Rules for the Limitation of the Dangers incurred  
by the Civilian Population in Time of War.

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The XIXth International Conference of the Red Cross,

"Convinced that it is interpreting the general feeling throughout the world which demands that effective measures be taken to rid the peoples from the nightmare of the threat of war,

Having taken cognizance of the "Draft Rules for the Delegation of the Dangers incurred by the Civilian Population in Time of War", drawn up by the International Committee of the Red Cross, following a request by the Board of Governors of the League, meeting at Oslo in 1954

Considers that a set of rules revising and extending those previously accepted is highly desirable as a measure of protection for the civilian population, if a conflict should unfortunately break out,

Deems that the objectives of the Draft Rules submitted are in conformity with Red Cross ideals and the requirements of humanity,

Urges the International Committee of the Red Cross to continue its efforts for the protection of the civilian population against the evils of war, and

Requests the International Committee of the Red Cross, acting on behalf of the XIXth International Conference, to transmit the Draft Rules, the record of its discussions, the text of the proposals, and the submitted amendments, to the Governments for their consideration".

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Report of the Brazilian Red Cross

submitted to the XIXth International Conference of the  
Red Cross

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Draft Rules for the Limitation of the Dangers incurred by the Civilian  
Population in Time of War.

Commentary

by Mr. Vivaldo Lima and Mr. Benjamin Gonsalves

XIXth International Conference of the Red Cross

- A. Commission on International Humanitarian Law.
- B. Draft Rules for the Limitation of the Dangers incurred by the  
Civilian Population in Time of War.

This item of the Agenda contains the Brazilian proposal submitted in May 1954 to the 23rd meeting of the Board of Governors of the League of Red Cross Societies, which was adopted nem. con. although a few delegations abstained from voting.

In connection with the important step taken by the Brazilian Red Cross, we wish to make a few comments in order to give a clear idea of its significance in regard to the discussions which should, in October next, stimulate the minds and the hearts of the enthusiasts who will be gathering in the wonderful capital of India to give free expression to their humanitarian ideals.

This proposal will certainly attract the attention of the delegates meeting in New Delhi; it should constitute the most important item of those submitted to the XIXth Conference, and confirm the tendency observed to deal with a special subject at each Conference, as, for instance, at Stockholm in 1948 (where the Agenda included the revision of the Geneva Conventions) and at Toronto in 1952 (when the main theme was the revision of the Statutes of the International Red Cross).

We, of the Brazilian Red Cross, were already interested in the weighty question of the humanisation of war - a consequence perhaps of the lasting desire for peace in Brazil, a country famous all over the world for its preference for arbitration as a means of settling disputes, and whose horror of the greatest calamity of all, war, is universally known - and in international meetings, in which we take a regular part,



we have noted with great satisfaction the submission of proposals for making the aims of the Red Cross known to Governments. These proposals are intended as a step towards putting into practice the ideas of Henry Dunant, that pioneer of almost a century ago, and thus to inaugurate the reign of peace throughout the world.

If the discussions at the XVIIth Conference in Stockholm and the XVIIIth Conference in Toronto are called to mind, the trends of thought and opinion revealed show clearly the concern of the Red Cross with the establishment of peace throughout the world.

We quote below the texts of Resolution XXIV (Non-directed Weapons) and Resolution LXIV (The Red Cross and Peace) adopted by the Stockholm Conference:

"Non-directed weapons - The XVIIth International Red Cross Conference -

considering that during the Second World War the belligerents respected the prohibition of recourse to asphyxiating, poison and similar gases and to bacteriological warfare, as laid down in the Geneva Protocol of June, 1925,

noting that the use of non-directed weapons which cannot be aimed with precision, or which devastate large areas indiscriminately, would involve the destruction of persons and the annihilation of the human values which it is the mission of the Red Cross to defend, and that the use of these methods would imperil the very future of civilisation,

earnestly requests the Powers solemnly to undertake to prohibit absolutely all recourse to such weapons and to the use of atomic energy or any similar force for purposes of warfare".

"The Red Cross and Peace - The XVIIth International Red Cross Conference re-affirms the abhorrence of war by the Red Cross and its determination to work constantly for the development of that international understanding which would bring about an enduring Peace amongst all nations of the world. This will be achieved by spreading the ideal for which the Red Cross particularly stands: The relief of suffering wherever it may exist and the endeavour to spread the Red Cross principles of selfless service to all quarters of the globe. Aware that the younger generation will soon be called upon to play its part in world affairs, the International Red Cross will make every effort to establish, extend and strengthen the Junior Red Cross movement in all

countries, with a view to creating better understanding and mutual respect amongst millions of young people in all parts of the world".

We will see now the resolutions numbers 11 and 18 of the XVIIIth Conference of Toronto, 1952:

"The Red Cross and Peace - The XVIII International Conference,

considering that war which divides nations and spreads discord is the greatest scourge of humanity and is capable of bringing about a return to barbarism,

considering the previous resolutions of International Red Cross Conferences on the necessity for international co-operation in maintaining peace,

recalls and confirms these resolutions,

invites National Societies

- (a) to make every effort to avoid and dissipate misunderstandings between nations,
- (b) to intensify co-operation and mutual help in order to create among nations a true understanding and to ward off the scourge of war,

declares that this scourge can be averted through the leadership of the Red Cross which constitutes not only a material force serving humanity but, above all, a moral and spiritual force, uniting the world in a common spirit of brotherhood.

"Atomic weapons - The XVIIIth International Conference,

considering that there is no agreement or prohibition against the use of atomic weapons,

considering that the race in the field of atomic armaments imperils peace and security among nations,

reaffirms Resolution XXIV of the XVIIth International Red Cross Conference

urges governments to agree, within the framework of general disarmament, to a plan for the international control of atomic energy which would ensure the prohibition of atomic weapons and the use of atomic energy solely for peaceful purposes,

calls upon all National Societies to request their respective governments to support such a plan.

This idea did not, however, originate in the period between 1948 and the present day. We have taken as an example the period preceding the New Delhi Conference, during which Brazil participated more directly in discussions on the subject through its delegations at the various Conferences. The idea was conceived, in fact, at the same time as the Red Cross itself, in the fertile mind and generous heart of Dumanant, during that memorable evening in Solferino which gave the first intimation of the birth of international humanitarian law which, thanks to God, has made progress in many spheres of activity, but has met nowhere with such warm and understanding acceptance as in the Red Cross movement.

Since it came into being on the battlefield of Solferino the idea has progressed within the Red Cross, as will be seen from the International Committee's publication "Collection of constitutional texts and documents concerning the legal protection of populations and war victims from the dangers of aerial warfare and blind weapons" (Geneva, February 1954).

A notable item of this document is the "Declaration of St. Petersburg of 1868 to the effect of prohibiting the use of certain projectiles in war-time", signed only four years after the first Geneva Convention.

It is also interesting to note the "Declaration prohibiting the discharge of projectiles and explosives from balloons", issued by the First International Peace Conference held at The Hague in 1899.

It was, indeed, a far-seeing attitude towards the future importance of aerial weapons in warfare.

The International Committee of the Red Cross has not stinted its appeals to various quarters on the subject and, since its appeal to the League of Nations in 1920, it has made every effort to render war more humane and, so far as possible, to protect the civilian population from conflicts and their after-effects, on the grounds that a conflict should be confined to the armed forces and that the inhabitants of the fighting area should receive the greatest possible protection.

From 1918 onwards, after the First World War, the International Committee had already launched protests against the cruel and barbaric use of asphyxiating gases which inflict terrible suffering on the victims.

**This** was the problem in which the Red Cross movement was involved and in which it took the highest interest. The acts, protocols and conventions for the purpose of increasing the protection conferred by the first Geneva Convention - in a new form and in different

circumstances - were continued after the signature of the Convention in 1864. As we have said subsequent studies were made of the question of the rights and obligations of States and neutral persons in the event of war, the care of the sick, naval warfare, prisoners of war, the use in war of asphyxiating, poisonous or other gases and bacteriological methods of warfare. International humanitarian law was, in fact, gaining strength and becoming more insistent, particularly in view of the new methods of total warfare with their highly destructive and indiscriminate weapons, which strike alike at the armed forces and the civilian population whose protection had not yet been the subject of a special Convention at the time.

These new requirements gave rise, of course, to keen discussions at the Conferences and the idea emerged of giving the International Committee of the Red Cross the task of elaborating, adjusting and bringing up to date the Geneva Conventions, of adapting them to modern conditions of warfare and of giving practical form to international humanitarian law. The International Committee worked with great efficiency and made it possible, at the XVIIth International Conference held in Stockholm, after fruitful discussions, to lay the basis of a future Diplomatic Conference for dealing with this important matter, which was thoroughly discussed during the memorable sessions of this international meeting, at which the representatives of the Brazilian Government and the Brazilian Red Cross were present.

The Diplomatic Conference was then convened by the Swiss Federal Council, in its capacity as the governmental body acting as the trustee of the Geneva Conventions, and was held in Geneva from April 21 to August 12, 1949. Sixty-three countries, including Brazil, were represented, with full powers to take part in discussions and to vote. Revised Geneva Conventions were adopted, as well as a new Convention concerning the protection of the civilian population in time of war, which includes all the various provisions relating to the protection of civilians contained in the old Conventions, and marked a further and notable stage in the progress of modern ideas for the humanisation of war. Similar progress was achieved in regard to the Convention on Prisoners of War. The new Conventions have so far been ratified by a considerable number of States, including Brazil, which is very helpful for the future since ratification is an act which gives legal effect to a diplomatic instrument. In this connection, extensive publicity should be given to the matter in all countries, for the Conventions, although they cannot prevent war (which is not, in fact, their object) nevertheless make it incumbent upon those who unleash conflicts to assist the victims and to mitigate the suffering caused by warfare. The dissemination of the Geneva Conventions is therefore necessary.

This was the position of the Red Cross - as will be seen from the brief outline given above - when a delegation of our National Society took part in the 23rd meeting of the Board of Governors of the League at Oslo, in May 1954.

The earnest desire of all present to solve the problem of the protection of the civilian population, in a constructive Red Cross way, was obvious.

There was some anxiety, however, as to the possibility of achieving positive results, in view of the lack of interest shown in the appeals (more or less formal) made on the subject, which had not raised sufficient interest to allow any satisfactory result to be reached. The Convention for the protection of the civilian population, which the International Committee had elaborated with such care was still merely a scrap of paper, for it was obvious that there was an urge to use weapons of an increasingly dangerous nature and also a wish, by the opposing camps, to be better armed for war and bloodshed, the real though unadmitted objective.

The Brazilian proposal, therefore, encouraged the International Committee to make a new attempt with more chance of success, since the appeal was made to it as the only body capable of bringing old hopes to a successful result, without taking the ineffectual course pursued in previous attempts.

The text of the Brazilian proposal at Oslo (preceded by explanatory notes) reads as follows:

"The draft resolutions submitted by some National Societies, including those of Japan, Sweden and India, merely urge the great Powers to give up the use of atomic, chemical and bacteriological weapons. These resolutions are further appeals on the subject, like the appeals which have followed each other since the Stockholm Conference in 1948, without any positive result. Tests for the purpose of improving these terrible weapons, and for producing new weapons of a still greater destructive power, continue to be carried out. For this reason, and in view of the abnormal political situation which will, unfortunately, prevail for many years in a world which suffers such rigid division, the Brazilian Red Cross Delegation considers it necessary for the next Conference in New Delhi to give its approval to the addition of a text to the actual Conventions in force (a text drafted by the International Committee) in order that peoples may be protected from the devastating and indiscriminate effects of such powerful weapons, and that they may acknowledge with gratitude the sublime and imposing labour of the men of the Red Cross. These, Mr. Chairman and Members of the Board of Governors, are the lofty and humanitarian reasons which inspired the draft resolution of the Brazilian Delegation which, incidentally, wishes to replace, in its text, the words "the necessary amendments to the humanitarian

Conventions" by the words "an additional text to the Conventions or protocols concerned".

We may add that the delegation of the International Committee of the Red Cross took note of, and duly approved, our proposal.

The object of our proposal was to put an end to continual discussions based on abstract questions or suggestions, of good intention but of no constructive value in so far as they did not take the form of a resolution which could be carried out by the sole body capable of making it operative, i. e. the International Committee of the Red Cross; this was, in fact, unanimously recognised by the Plenary Session of the Board of Governors (with the exception of the six countries linked up with the Alliance of Red Cross and Red Crescent Societies of the USSR).

To give an idea of the approval granted to this resolution, we wish to remind those who were present of Mr. Frédéric Siordet's striking commentary on the subject. He stressed the vital importance of the Brazilian resolution for the Red Cross. He explained why the use of blind weapons is absolutely contrary to the application of Red Cross principles, especially as it is no longer possible to make the slightest distinction between combatants and non-combatants and, more serious still, the Red Cross can no longer give victims the assistance it should always afford to them.

Although admitting that the experts convened by the International Committee had been pessimistic concerning some points, and that some of the former rules of war had lost their force, Mr. Siordet made an urgent appeal that they should not resign themselves to present circumstances, and said that pacts had been elaborated for the benefit of persons and not for armaments. It seems obvious, therefore, that our duty lies in ensuring that the Hague Regulations which are still valid (the Geneva Conventions of 1949 which fully meet their object are not involved) be strengthened. Mr. Siordet considered that the International Committee was undertaking a difficult task but that the entire Red Cross movement would follow its lead.

We cannot resist giving a few extracts from Mr. Siordet's letter on the subject, of July 28, 1954, to the President of the Brazilian Red Cross:

"Mr. Chairman,

We recently received the final text adopted, following your proposal, by the 23rd meeting of the Board of Governors in Oslo, concerning the protection of the civilian population from the dangers of atomic, chemical and

bacteriological warfare. As the writer had the opportunity of stating at the meeting of the Board of Governors, the International Committee welcomed your proposal with all the more interest as it reflects the concern it has itself been feeling for some long time. By this resolution the efforts made by the International Committee find valuable encouragement and support on the part of the National Societies which have expressed their unanimous approval of its work".

Another paragraph stated:

"In its solemn appeal of 1950 to the High Contracting Parties to the Geneva Conventions, the International Committee of the Red Cross gave a brief survey of its work in this connection, and we thought it would be useful to enclose the text of the appeal in this letter. In its appeal the International Committee asked Governors which had just signed the Geneva Conventions of 1949 - as a supplement to those Conventions and the Geneva Protocol of 1925 - to make every effort to reach an agreement for the prohibition of atomic weapons and, generally speaking, non-directed missiles. Moreover, the International Committee pointed out the absolute contradiction which existed between, firstly, the adoption of standards of protection for certain categories of persons in any circumstance and, secondly, the use of weapons of such powerful effect as to make any discrimination impossible".

Mr. Siordet also added:

"In these circumstances, you will readily understand that the resolution you have put forward strengthens the International Committee's conviction that something should be attempted in this field.

In this action the support of the National Societies - which, by the unanimous adoption of the resolution seems to be already assured - is absolutely necessary. The International Committee hopes that, by offering remarks and suggestions, they will take an active part in the work undertaken. It would already appear, as the experts convened by the Committee have pointed out, that the use of certain weapons of mass destruction make it extremely difficult, if not impossible, to respect restrictive regulations, particularly as regards aerial attacks.

It should be emphasised that the legal protection of the civilian population is only one aspect of the

problem; it has also a moral aspect of an extremely serious nature. It may be said, even, that it is a vital question for the Red Cross as a whole. The Red Cross movement must therefore make a great effort to disseminate and to inculcate the fundamental ideas on which the restrictive regulations are based; we are fully conscious, in this connection, of the important part which could be played, under your eminent guidance, by the Brazilian Red Cross, and your support will be of great help. As to the International Committee of the Red Cross, we need hardly say that it will co-operate with you to the full. For this purpose, Mr. de Rueda, our Counsellor, has already devoted one of his broadcasts to the National Societies of Latin America to the resolution adopted at Oslo".

We should also like to quote a broadcast given by Mr. J. J. Gomez de Rueda, delegate of the Mexican Red Cross to the International Committee, over the Swiss Short Wave Service on July 1, 1954:

"Thus this resolution, adopted without a single dissenting vote, proposes a practical means of solving, in the best possible manner, a great problem with which the whole of humanity is concerned. It is obvious that the passing of the resolution is not sufficient for it to become effective, but it should be emphasised that it is the spirit and not the letter of an institution such as the Red Cross (which reflects public opinion in general) which should prevail in order that the final result may be the discontinuance of the use of blind weapons.

On this occasion the representatives of the Red Cross of 63 nations have given an urgent task to the organisation which, for nearly a century, has prepared the Geneva Conventions and watched over their application.

It has been the privilege of the Red Cross of a great country of our Latin-American Continent to appeal (in a very practical manner we may say) to the conscience of the peoples of the world, so well represented by the men of goodwill who give such charitable service in the Red Cross cause".

The Brazilian Red Cross Delegation to the XIXth International Conference to be held in New Delhi, next October, therefore intends to submit for discussion its proposal, which should be considered as one of the most important items of the Agenda.

Nevertheless, in view of certain reservations made by some National Societies, including our eminent sister-society, the American



Red Cross, there may be some hesitation in discussing this important matter in full, as should be done. We say this with all due respect for the imperative reasons for this attitude, but, as the authors of this proposal, it is our duty to take an opposite view. We must support the discussion of our proposal at the plenary session and ensure that it meets with the least possible restriction.

In support of our belief as to the essential need of discussing and voting upon the valuable work which resulted from our first proposal, i. e. the document prepared by the International Committee under the title: "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War", we give below the text of our reply to a telegram received from the American Red Cross concerning the postponement of the date of the XIXth Conference, owing to the events in Hungary and the Middle East and the tension resulting from the international situation:

"We wish to acknowledge receipt of your cable 1647 of November 20, concerning the probable postponement of the XIXth International Conference of the Red Cross convened in New Delhi.

We are opposed to this decision because there are many threats of war in the world at the present time, and the Brazilian proposal put forward at Oslo in 1954, unanimously approved by the Board of Governors, should be discussed at this Conference, where it will be in an appropriate setting, thanks to the excellent work of the International Committee. It would be most unfortunate to lose this opportunity of making the world aware of the humanitarian spirit of the Red Cross.

Mr. Tom Sloper, our General-Delegate in Europe, and a member of the Standing Commission, is authorised to explain our point of view, in his capacity of substitute Governor. The Brazilian Red Cross will not, however, oppose any resolution on the subject which the governing body of the Red Cross may adopt, and will willingly abide thereby".

The reluctance, or, rather, the disinclination to discuss openly the admirable work of the International Committee is obviously the result of a tendency to follow the policy which today divides the world in two parts - the Western World, our own, and the Eastern World - which is, unfortunately, apparent, even with an institution of such stature and prestige as the Red Cross, of which two characteristics are independence and impartiality.

Let us, not, however, remain idle, let us never relinquish the part we play or we shall see a decrease of the vigorous effort of the Red Cross to strengthen its policy! For there exists, besides those

referred to above, a lofty and idealistic Red Cross policy, based on humanitarianism and fellowship, a policy which is pursued for the sole benefit of those who suffer and have need of comfort and assistance, and which is far above all antagonistic and irreconcilable ideologies, the antagonism which leads to warfare and the arms race, and the result of which would be a world in ruins as a prize for the so-called victor.

This cannot be; let us hope that from the discussion of our proposal will emerge a universal movement for the reconsideration of the matter, a lull in present disputes and, lastly, the general renunciation of indiscriminate slaughter.

With this sincere hope in mind - although it may seem naive - that a new and less inhuman notion of war may arise through the Red Cross, and perhaps result in the abolition of war, we give below the text of the resolution which the International Committee is submitting to the New Delhi Conference, and with which the Brazilian Red Cross fully agrees:

#### DRAFT OF RESOLUTION

##### The XIXth International Red Cross Conference

Having taken cognizance of the "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War", drawn up by the International Committee of the Red Cross, following a request by the Board of Governors of the League, meeting at Oslo in 1954,

Considers that a set of rules revising and extending those previously accepted is desirable as a measure of protection for the civilian population, if a conflict should unfortunately break out,

Deems that the underlying principles of the draft submitted are in conformity with Red Cross ideals and the requirements of humanity,

Requests the International Committee of the Red Cross to continue its efforts, on the basis of these Draft Rules, to prepare the ground for an international agreement aimed at alleviating the evils of war, and

Resolves that, for this purpose, the record of its discussions and the text of the proposals put forward by the delegations shall be appended to the Draft Rules.

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Minutes of the proceedings of the XIX International  
Conference of the Red Cross concerning the Draft  
Rules for the Limitation of the Dangers incurred  
by the Civilian Population in Time of War

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E N C L O S U R E S



1. - LIST OF DELEGATES WHO SPOKE ON THE DRAFT RULES

a) List of Speeches according to their order

A. - International Humanitarian Law Commission

First Meeting, October 29, 1957, morning (p. 5)

1. Mr. John A. MacAulay, Q.C., Chairman of the Commission, Vice-President of the Canadian Red Cross Society
2. Mr. Frédéric M. Siordet, Vice-President of the ICRC
3. The Chairman
4. Dr J. Cech, Delegate of the Czechoslovak Government
5. The Chairman
6. H. E. Dr. P. Gregoric, Chairman of the Yugoslav Red Cross Society
7. Mrs. Aura Mesaros, Vice-President of the Red Cross of the People's Republic of Rumania
8. The Chairman
9. H. E. Dr. Julius Katz-Suchy, Ambassador for Poland in New Delhi
10. Mr. Oleg Khlestov, Delegate of the Alliance of Red Cross and Red Crescent Societies of the USSR
11. The Chairman
12. Mrs. Tom Barry, Chairman of the Central Council, Irish Red Cross Society
13. Mr. Tom W. Sloper, General Delegate in Europe, Brazilian Red Cross Society
14. H. E. Mr. Pan Tzu-Li, Ambassador for the People's Republic of China in New Delhi
15. H. E. Melquiades J. Gamboa, Minister for the Philippines in New Delhi

16. H. E. Adolfo Scilingo, Ambassador for Argentina in New Delhi
17. The Chairman
18. Mr. Robert Klat, of the Ministry of Foreign Affairs, Lebanon
19. Mr. Hoom Kim, Delegate of the Republic of Korea
20. Mr. Orlando Pedragosa Nadal, Consul of Uruguay in New Delhi
21. Dr. Guillermo Fernández Dávila, Secretary-General of the Peruvian Red Cross Society
22. The Chairman
23. Dr. Nissim Mevorah, Delegate of the Bulgarian Red Cross Society

Second Meeting, October 29, 1957 afternoon (p. 27)

24. The Chairman
25. Lieutenant-General J. D. Schepers, Member of the High Court of Military Justice - Delegate of the Netherlands Red Cross Society
26. The Chairman
27. H. E. Mr. Lyu Ki Choon, Minister, Vice-President for Foreign Affairs of the Democratic Republic of Korea
28. H. E. Miguel Serrano Fernandez, Ambassador for Chile in New Delhi
29. Mr. Masutaro Inoue, Head of the Foreign Relations Department of the Japanese Red Cross Society
30. Prince Frédéric de Mérode, President of the Belgian Red Cross Society
31. Judge Emil Sandstroem, President of the Swedish Red Cross Society
32. General Alfred M. Gruenther, President of the American National Red Cross
33. The Chairman
34. Dr. Laszlo Reczei, Delegate of the Hungarian Government
35. Mr. Luis Fernandez McGregor, Chargé d'Affaires for Mexico in New Delhi

36. Dr. Alfons Steiniger, Delegate of the Government of the German Democratic Republic
37. Dr. Klaus R. Ziegler, Attaché to the Austrian Legation in New Delhi
38. Dr. Louis Le Maire, President of the Danish Red Cross Society
39. Colonel G. I. A. D. Draper, former Assistant-Director of the Army Legal Services
40. Sir A. Lakshmanaswami Mudaliar, Vice-Chancellor of Madras University
41. H. E. Mr. A. François-Poncet, President of the French Red Cross Society
42. H. E. Adolfo Scilingo, Ambassador for Argentina in New Delhi
43. H. E. Dr. Julius Katz-Suchy, Ambassador for Poland in New Delhi (See No 9, morning meeting of October 29)
44. Sir Peter MacCallum, Chairman of the National Council of the Australian Red Cross
45. Mr. Oleg Khlestov, Delegate of the Alliance of Red Cross and Red Crescent Societies of the USSR (See No. 10, morning meeting on October 29)
46. The Chairman

Third Meeting, October 30 morning (p. 55)

47. Judge U. Aung Khine, President of the Burmese Red Cross Society
48. H. R. Mr. Paul-Emile Naggiar, Delegate of the French Government
49. Mr. Frédéric Stordet, Vice-President of the ICRC (See No 2, morning meeting of the 29th of October)
50. Dr. Ton That-Tung, Vice-Minister of Health, Secretary-General of the Red Cross of the Democratic Republic of Viet Nam
51. H. E. Dr. P. Gregoric, Chairman of the Yugoslav Red Cross Society. (See No. 6, morning meeting on October 29)
52. Lieutenant-General J. D. Schepers, Member of the High Court of Military Justice - Delegate of the Netherlands Red Cross Society. (See No. 25, afternoon meeting on October 29)

53. H. E. Pierre Dupuy, Ambassador for Canada in Rome. Delegate of the Canadian Government
54. Mr. I. Muller, Head of Section of the Swedish Civilian Defence Department, Delegate of the Swedish Government
55. The Chairman
56. The Chairman
57. Colonel Div. Dr. Karl Brunner, Delegate of the Swiss Government
58. H. E. M. N. Hadji Vassiliou, Ambassador for Greece in New Delhi
59. Prince Frédéric de Mérode, President of the Belgian Red Cross Society (See No. 30, afternoon meeting on October 29)
60. Mr. Robert Klat, of the Ministry of Foreign Affairs, Lebanon. (See No. 18, morning meeting on October 29)
61. Dr. Hugo Merino, Delegate of the Government of Ecuador
62. Surgeon-General Guido Ferri, General-President of the Italian Red Cross Society
63. Dr. Dymas Funes Hartmann, President of the Red Cross of El Salvador
64. Dr. Nissim Mevorah, Delegate of the Bulgarian Red Cross Society (See No. 23, morning meeting on October 29)
65. Dr. Werner Ludwig, President of the Red Cross of the German Democratic Republic
66. The Chairman

Fourth Meeting, October 30 afternoon (p. 82)

67. Mr. Walther G. Hartmann, Secretary-General of the Red Cross of the German Federal Republic
68. Mr. W. G. A. Landale, Acting High Commissioner for Australia in New Delhi
69. Capt Mohd. Sharif, of the Ministry of Defence, Pakistan
70. Mr. Mane Nishova, President of the Albanian Red Cross



72. The Chairman
73. Dr. Octavian Belea, President of the Red Cross of the People's Republic of Rumania
74. Mr. Wu Yun-Fu, Vice-President of the Chinese Red Cross Society
75. Mrs. Abou Richet, Member of the Central Committee of the Syrian Red Crescent
76. The Chairman
77. Mr. R. Soejono Kromodimoeljo, Cultural Attaché to the Indonesian Embassy in New Delhi; Delegate of the Indonesian Red Cross Society
78. Mr. Akia Shigemitsu, Counsellor to the Japanese Embassy in New Delhi
79. Mrs. Tom Barry, Chairman of the Central Council, Irish Red Cross Society. (See No. 12, morning meeting on October 29)
80. The Chairman
81. H. E. Dr. Julius Katz-Suchy, Ambassador for Poland in New Delhi. (See Nos. 9 and 43, morning and afternoon meetings on October 29)
82. H. E. Count Geoffroy d'Aspremont Lynden, Ambassador of Belgium in New Delhi
83. Mr. B. D. Zohrab, of the Ministry of External Affairs, New Zealand
84. Dr. Vivaldo Palma Lima Filho, President of the Brazilian Red Cross Society
85. Dr. J. Cech, Delegate of the Czechoslovak Government. (See No. 4, morning meeting on October 29)
86. The Chairman
87. H. E. Count de Artaza, Ambassador for Spain in New Delhi
88. The Chairman
89. Mr. Kebede Abozin, Member of the Central Committee of the Ethiopian Red Cross Society
90. H. E. Mr. Jean de Rham, Head of the International Organisations Division of the Swiss Political Department

53. H. E. Pierre Dupuy, Ambassador for Canada in Rome. Delegate of the Canadian Government
54. Mr. I. Muller, Head of Section of the Swedish Civilian Defence Department, Delegate of the Swedish Government
55. The Chairman
56. The Chairman
57. Colonel Div. Dr. Karl Brunner, Delegate of the Swiss Government
58. H. E. M. N. Hadji Vassiliou, Ambassador for Greece in New Delhi
59. Prince Frédéric de Mérode, President of the Belgian Red Cross Society (See No. 30, afternoon meeting on October 29)
60. Mr. Robert Klat, of the Ministry of Foreign Affairs, Lebanon. (See No. 18, morning meeting on October 29)
61. Dr. Hugo Merino, Delegate of the Government of Ecuador
62. Surgeon-General Guido Ferri, General-President of the Italian Red Cross Society
63. Dr. Dymas Funes Hartmann, President of the Red Cross of El Salvador
64. Dr. Nissim Mevorah, Delegate of the Bulgarian Red Cross Society (See No. 23, morning meeting on October 29)
65. Dr. Werner Ludwig, President of the Red Cross of the German Democratic Republic
66. The Chairman

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67. Mr. Walther G. Hartmann, Secretary-General of the Red Cross of the German Federal Republic
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70. Mr. Mane Nishova, President of the Albanian Red Cross

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73. Dr. Octavian Belea, President of the Red Cross of the People's Republic of Rumania
74. Mr. Wu Yun-Fu, Vice-President of the Chinese Red Cross Society
75. Mrs. Abou Richet, Member of the Central Committee of the Syrian Red Crescent
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77. Mr. R. Soejono Kromodimoeljo, Cultural Attaché to the Indonesian Embassy in New Delhi; Delegate of the Indonesian Red Cross Society
78. Mr. Akia Shigemitsu, Counsellor to the Japanese Embassy in New Delhi
79. Mrs. Tom Barry, Chairman of the Central Council, Irish Red Cross Society. (See No. 12, morning meeting on October 29)
80. The Chairman
81. H. E. Dr. Julius Katz-Suchy, Ambassador for Poland in New Delhi. (See Nos. 9 and 43, morning and afternoon meetings on October 29)
82. H. E. Count Geoffroy d'Aspremont Lynden, Ambassador of Belgium in New Delhi
83. Mr. B. D. Zohrab, of the Ministry of External Affairs, New Zealand
84. Dr. Vivaldo Palma Lima Filho, President of the Brazilian Red Cross Society
85. Dr. J. Cech, Delegate of the Czechoslovak Government. (See No. 4, morning meeting on October 29)
86. The Chairman
87. H. E. Count de Artaza, Ambassador for Spain in New Delhi
88. The Chairman
89. Mr. Kebede Abozin, Member of the Central Committee of the Ethiopian Red Cross Society
90. H. E. Mr. Jean de Rham, Head of the International Organisations Division of the Swiss Political Department

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91. H.E. Mr. André François-Poncet, President of the French Red Society. (See No. 41, afternoon meeting on October 29)

92. The Chairman

Fifth Meeting, October 31, morning (p. 104)

93. The Chairman

94. The Chairman

95. Dr. G.A. Miterev, President of the Alliance of Red Cross and Red Crescent Societies of the USSR

96. The Chairman

97. Dr. J. Cech, Delegate of the Czechoslovak Government. (See Nos. 4 and 85, morning meeting on October 29 and afternoon meeting on October 30)

98. The Chairman

B. - Conference Plenary Sessions

Fifth Plenary Session, November 6 afternoon (p. 110)

99. Mr. H. Beer, Secretary-General of the Swedish Red Cross Society

100. Chairman; Rajkumari Amrit Kaur, Chairman of the Managing Body of the Indian Red Cross Society

101. Dr. Pavle Gregoric, Chairman of the Yugoslav Red Cross Society. (See Nos. 6 and 51, morning meetings on October 29 and 30)

Vote on the Resolution

102. H.E. Mr. Paul Ruegger, Delegate of the Swiss Government

103. Mr. Frédéric Siordet, Vice-President of the ICRC. (See Nos. 2 and 49, morning meeting on October 29 and afternoon meeting on October 30)

Sixth Plenary Session, November 7, morning (p. 117)

104. Mr. Tom W. Sloper, General Delegate in Europe, Brazilian Red Cross Society, (See 13, morning meeting on October 29).

b) List by Countries of Delegates who spoke  
on the Draft Rules

ALBANIA

Red Cross:

Mr. Mane Nishova, President of the Albanian Red Cross - (p. 84)

ARGENTINA

Government:

H. E. Adolfo Scilingo, Ambassador for Argentina in New Delhi - (p. 23, 48)

AUSTRALIA

Government:

Mr. W. G. A. Landale, Acting High Commissioner for Australia in  
New Delhi - (p. 82)

Red Cross:

Sir Peter MacCallum, Chairman of the National Council of the  
Australian Red Cross - (p. 52)

AUSTRIA

Government:

Dr. K. R. Ziegler, Attaché to the Austrian Legation in New Delhi - (p. 43)

BELGIUM

Government:

H. E. Count G. d'Aspremont Lynden, Ambassador of Belgium in New Delhi  
(p. 94)

Red Cross:

Prince F. de Mérode, President of the Belgian Red Cross Society -  
(p. 34, 74)

BRAZIL

Government and Red Cross:

Dr. V. Palma Lima Filho, President of the Brazilian Red Cross Society -  
(p. 96)

Red Cross :

Mr. T.W. Sloper, General Delegate in Europe, Brazilian Red Cross  
Society - (p. 19 and 117)

BURMA

Red Cross :

Judge U. Aung Khine, President of the Burmese Red Cross Society -  
(p. 55)

BULGARIA

Red Cross:

Dr. Nissim Mevorah, Delegate of the Bulgarian Red Cross Society -  
(p. 26 and 74)

CANADA

Government :

H. E. Pierre Dupuy, Ambassador for Canada in Rome. Delegate of the  
Canadian Government - (p. 67)

Red Cross :

Mr. J.A. MacAulay, Q. C. Chairman of the Commission, Vice-President  
of the Canadian Red Cross Society, Q. C. -  
(p. 5, 11, 23, 27, 93, 104, 105, 107, 108)

CHILE

Government:

H. E. M. Serrano Fernández, Ambassador for Chile in New Delhi - (p. 33)

CHINA (People's Republic)Government :

H. E. Mr. Pan Tzu-Lin, Ambassador of the Government of the People's Republic of China in New Delhi - (p. 20)

Red Cross :

Mr. Wu Yun-Fu, Vice-President of the Chinese Red Cross Society -  
(p. 89)

CZECHOSLOVAKIAGovernment :

Dr. J. Cech, Delegate of the Czechoslovak Government - (p. 11, 97, 108)

DENMARKRed Cross:

Dr. L. Le Maire, President of the Danish Red Cross Society - (p. 43)

ECUADORGovernment and Red Cross :

Dr. Hugo Merino, Delegate of the Government of Ecuador - (p. 76)

ETHIOPIARed Cross:

Mr. Kebede Abozin, Member of the Central Committee of the Ethiopian Red Cross Society - (p. 99)

FRANCEGovernment :

H. E. Ambassador P. -B. Naggiar, Delegate of the French Government -  
(p. 56)

Red Cross:

H. E. Ambassador A. François-Poncet, President of the French Red Cross Society - (p. 47 and 100)

FEDERAL REPUBLIC OF GERMANY

Red Cross:

Mr. W. G. Hartmann, Secretary-General of the Red Cross of the German Federal Republic - (p. 82)

DEMOCRATIC REPUBLIC OF GERMANY

Government:

Dr. A. Steiniger, Delegate of the Government of the German Democratic Republic - (p. 41)

Red Cross:

Dr. W. Ludwig, President of the Red Cross of the German Democratic Republic - (p. 80)

GREECE

Government and Red Cross:

H. E. M. N. Hadji Vassiliou, Ambassador for Greece in New Delhi - (p. 71)

HUNGARY

Government:

Dr. Laszlo Reczei, Delegate of the Hungarian Government - (p. 39 and 85)

INDIA

Red Cross:

Rajkumari Amrit Kaur, Chairman of the Managing Body of the Indian Red Cross Society - (p. 112 and 115)



Sir A. Lakshmanaswami Mudaliar, Vice-Chancellor of Madras University  
- (p. 45)

### INDONESIA

#### Government and Red Cross:

Mr. R. Soejono Kromodimoeljo, Cultural Attaché to the Indonesian Embassy in New Delhi; Delegate of the Indonesian Red Cross Society - (p. 90)

### IRELAND

#### Red Cross:

Mrs. Tom Barry, Chairman of the Central Council, Irish Red Cross Society - (p. 19 and 92)

### ITALY

#### Red Cross:

Surgeon-General G. Ferri, General-President of the Italian Red Cross Society - (p. 76)

### JAPAN

#### Government:

Mr. Akira Shigemitsu, Counsellor to the Japanese Embassy in New Delhi - (p. 91)

#### Red Cross:

Mr. Masutaro Inoue, Head of the Foreign Relations Department of the Japanese Red Cross Society - (p. 33)

### JUGOSLAVIA

#### Red Cross:

H. E. Dr. P. Gregoric, Chairman of the Yugoslav Red Cross Society - (p. 14, 61, 112)

DEMOCRATIC REPUBLIC OF KOREA

Government:

H. E. Mr. Lyu Ki Choon, Vice-Minister for Foreign Affairs of the Democratic Republic of Korea - (p. 31)

REPUBLIC OF KOREA

Government:

H. E. Mr. Hoon Kim, Delegate of the Republic of Korea - (p. 24)

LEBANON

Government:

Mr. R. Klat, of the Ministry of Foreign Affairs, Lebanon - (p. 75)

MEXICO

Red Cross:

Mr. L. Fernandez McGregor, Chargé d'Affaires for Mexico in New Delhi - (p. 40)

NETHERLANDS

Red Cross:

Lieutenant-General J. D. Schepers, Member of the High Court of Military Justice - Delegate of the Netherlands Red Cross Society - (p. 31 and 62)

NEW ZEALAND

Government:

Mr. B. D. Zohrab, of the Ministry of External Affairs, New Zealand - (p. 96)

PAKISTANGovernment and Red Cross:

Capt Mohd. Sharif, of the Ministry of Defence, Pakistan - (p. 83)

PERUGovernment and Red Cross:

Dr. G. Fernández Dávila, Secretary-General of the Peruvian Red Cross Society - (p. 25)

PHILIPPINESGovernment:

H. E. Melquiades J. Gamboa, Minister for the Philippines in New Delhi - (p. 21)

POLANDGovernment:

H. E. Dr. J. Katz-Suchy, Ambassador for Poland in New Delhi - (p. 17, 49, 93)

PEOPLE'S REPUBLIC OF RUMANIARed Cross:

Dr. Octavian Belea, President of the Red Cross of the People's Republic of Rumania - (p. 87)

Mrs. Aura Mesaros, Vice-President of the Red Cross of the People's Republic of Rumania - (p. 16)

EL SALVADORGovernment and Red Cross:

Dr. Dymas Funes-Hartmann, President of the Red Cross of El Salvador - (p. 77)

SPAIN

Government:

H. E. Count de Artaza, Ambassador for Spain in New Delhi - (p.98)

SWEDEN

Government:

Mr. I. Muller, Head of Section of the Swedish Civilian Defence Department, Delegate of the Swedish Government -  
(p. 68)

Red Cross:

Judge E. Sandstroem, President of the Swedish Red Cross Society -  
(p. 36)

Government and Red Cross:

Mr. H. Beer, Secretary-General of the Swedish Red Cross Society -  
(p. 110)

SWITZERLAND

Government:

H. E. Mr. P. Ruegger, Delegate of the Swiss Government - (p. 113)

H. E. Mr. J. de Rham, Head of the International Organisations Division  
of the Swiss Political Department - (p. 99)

Colonel-Div. Karl Brunner, Delegate of the Swiss Government - (p. 70)

SYRIA

Red Crescent:

Mrs. Abou Richet, Member of the Central Committee of the Syrian  
Red Crescent - (p. 90)

UNITED KINGDOMGovernment:

Colonel G. I. A. D. Draper, Former Assistant-Director of the Army  
Legal Services - (p. 44)

UNITED STATESRed Cross:

General A. M. Gruenther, President of the American National Red  
Cross - (p. 37)

URUGUAYGovernment and Red Cross:

Mr. O. Pedragosa Nadal, Consul of Uruguay in New Delhi - (p. 24)

U. S. S. R.Government and Red Cross:

Dr. G. A. Miterev, President of the Alliance of Red Cross and Red  
Crescent Societies of the USSR - (p. 106)

Red Cross:

Mr. O. Khlestov, Delegate of the Alliance of Red Cross and Red Crescent  
Societies of the USSR - (p. 18 and 53)

DEMOCRATIC REPUBLIC OF VIET NAMGovernment and Red Cross:

Prof. Dr. Ton That-Tung, Vice-Minister of Health, Secretary-General  
of the Red Cross of the Democratic Republic of  
Viet Nam - (p. 60)

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c) List of the Delegates who spoke on  
the Draft Rules in Alphabetical Order

- AMRIT Kaur, Princess, India - (p. 112, 115)
- ARTAZA de, H. E. Count, Spain - (p. 98)
- ASPREMONT LYNDEN d', H. E. Count Geoffroy - (p. 94)
- AUNG KHINE, Justice U., Burma - (p. 55)
- ABOZIN Kebede, Ethiopia - (p. 99)
- BARRY Tom, Mrs., Ireland - (p. 19, 92)
- BEER Henrik, Sweden - (p. 110)
- BELEA Octavian, Rumania - (p. 87)
- BRUNNER Karl, Switzerland - (p. 70)
- CECH J., H. E., Czechoslovakia - (p. 11, 97, 108)
- CHOON Lyu Ki, Korea - (p. 31)
- DRAPER G. I. A. D., United Kingdom - (p. 44)
- DUPUY Pierre, H. E., Canada - (p. 67)
- FERNANDEZ DAVILA Guillermo, Peru - (p. 25)
- FERNANDEZ MCGREGOR Luis, Mexico - (p. 40)
- FERRI Guido, Italy - (p. 76)
- FRANCOIS-PONCET André, H. E., France - (p. 47, 100)
- FUNES HARTMANN Dymas, El Salvador - (p. 77)
- GAMBOA Melquiades J., H. E., Philippines - (p. 21)
- GREGORIC Pavle, H. E., Yugoslavia - (p. 14, 61, 112)
- GRUENTHER Alfred M., United States of America - (p. 37)
- HARTMANN Walther Georg, German Federal Republic - (p. 82)
- INOUE Masutaro, Japan - (p. 33)

- KATZ-SUCHY Juliusz, H. E., Poland - (p. 17, 49, 93)
- KHLESTOV Oleg, Union of Socialist Soviet Republics - (p. 18, 53)
- KIM Hoon, H. E., Korea - (p. 24)
- KLAT Robert, Lebanon - (p. 75)
- KROMODIMOELJO Soejono, Indonesia - (p. 90)
- LANDALE W. G. A., Australia - (p. 82)
- LE MAIRE Louis, Denmark - (p. 43)
- LIMA FILHO Vivaldo, Brazil - (p. 96)
- LUDWIG Werner, German Democratic Republic - (p. 80)
- MacAULAY John A., Canada - (p. 5, 11, 23, 27, 93, 104, 105, 107, 108)
- MacCALLUM Peter, Sir, Australia - (p. 52)
- MERINO Hugo, Ecuador - (p. 76)
- MERODE de, Prince Frederic, Belgium - (p. 34, 74)
- MESAROS Aura, Mrs., People's Republic of Rumania - (p. 16)
- MEVORAH Nissim, Bulgaria - (p. 26, 78)
- MITEREV Gueorgui, Union of Socialist Soviet Republics - (p. 106)
- MUDALIAR A. Lakshmanaswami, India - (p. 45)
- MULLER I., Sweden - (p. 68)
- NAGGIAR Paul-Emile, H. E., France - (p. 56)
- NISHOVA Mane, Albania - (p. 84)
- PAN TZU-LI, H. E., People's Republic of China - (p. 20)
- PEDRAGOSA NADAL Orlando, Uruguay - (p. 24)
- RECZEI Laszlo, Hungary - (p. 39, 85)
- RHAM de, Jean, H. E., Switzerland - (p. 99)
- RICHET Abou, Mrs., Syria - (p. 90)
- RUEGGER Paul, H. E., Switzerland - (p. 113)

- SANDSTROEM E., Sweden - (p. 36)
- SCILINGO Adolfo H. E., Argentina - (p. 23, 48)
- SERRANO FERNANDEZ Miguel, H. E., Chile - (p. 33)
- SHARIF Mohd., Pakistan - (p. 83)
- SCHEPERS J. D., Netherlands - (p. 29, 186)
- SHIGEMITSU Akira, Japan - (p. 91)
- SLOPER Tom W., Brazil - (p. 19, 117)
- STEINIGER Alfons, German Democratic Republic - (p. 41)
- TUNG Ton That, Democratic Republic of Viet Nam - (p. 60)
- VASSILIOU HADJI Nicolas, H. E., Greece - (p. 71)
- WU YUN-FU, People's Republic of China - (p. 89)
- ZIEGLER Klaus R., Austria - (p. 43)
- ZOHRAB B. D., New-Zealand - (p. 96)

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2. - LIST OF AMENDMENTS AND PROPOSALS  
CONCERNING THE DRAFT RULES  
DISTRIBUTED TO THE DELEGATES

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1. Draft Resolution submitted by the ICRC  
document HR/6 - French
2. Presentation by the ICRC of the Draft Rules and the Draft  
Resolution No HR/6  
document HR/7 - French
3. Proposed amendment submitted by the Delegation of the German  
Democratic Republic, concerning the Draft Rules  
document HR/10 - French
4. Amendment to the Draft Rules proposed by the Rumanian Red  
Cross Delegation  
document HR/12 - French
5. Amendments concerning the Draft Rules submitted by the Cze-  
choslovak Delegation  
document HR/14 - French
6. Proposed Amendments to the Draft Rules submitted by the  
Hungarian Delegation  
document HR/16 - French
7. Proposed Amendment to the Draft Rules submitted by the  
Bulgarian Delegation  
document HR/17 - French
8. Proposed Amendment submitted by the Delegation of the Alliance  
of Red Cross and Red Crescent Societies of the USSR  
document HR/20 - English
9. Additions to the Agenda for the Commission on International  
Humanitarian Law  
document HR/21 - English
10. Proposed Amendments submitted by the Delegation of Poland  
document HR/22 - English
11. Amendments to the Draft Rules proposed by the Delegation of  
the Federal Government of Austria  
document HR/24 - English

12. Amendments presented by the Red Cross Societies of Denmark, Finland, Norway and Sweden, to the Draft Resolution submitted by the ICRC  
document HR/25 - English
13. Draft Sub-amendment with regard to amendment submitted by Judge Sandstroem on the Draft Resolution of the ICRC submitted by the Netherlands Delegation  
document HR/32 - English
14. Amendments to the Draft Resolution submitted by the ICRC submitted by the Delegation of Poland  
document HR/32 - English
15. Draft Resolution submitted by the Chairman of the Commission  
document HR/33 - French and English
16. Draft Resolution submitted by the Drafting Committee concerning Item 2 of the Agenda  
document HR/35 - English
17. Draft Resolution submitted by the Delegation of the Swiss Government  
document HR/39 - French
18. Report of the Commission on International Humanitarian Law, extract concerning the Draft Rules  
document P/25 - English
19. Resolutions adopted by the Commission on International Humanitarian Law (extract)  
document P/20 - French - English
20. Report of the Brazilian Red Cross submitted to the XIXth International Conference of the Red Cross concerning the Draft Rules

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3. - LIST OF PROPOSALS AND AMENDMENTS  
CONCERNING THE DRAFT RULES

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(classified in the numerical order of the Articles  
to which they refer)

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In this list the term amendment is used for requests for alterations or additions which were distributed officially to the delegates and bear the reference "HR" of the International Humanitarian Law Commission; when they were also made verbally at the rostrum, this is stated in the record by the term "Verbal Commentary". The term proposal is reserved, on the contrary, for amendments proposed by the delegates during their speeches but of which no official distribution was made.

The contents of the proposals and amendments, especially if they were fairly long, are summarised; to find the complete text reference should be made to the original texts of the various amendments (see pp. 119-152) or to the record in the case of proposals.

When the perusal of the passage referred to can be useful for the study of the proposal or amendment, the proposals and amendments are followed by a reference, shown in brackets, to the **Commentary** on the Draft Rules.

PREAMBLE  
of the Draft Rules

(1) Amendment of the Delegation of the German Democratic Republic  
(Document HR/10):

Replace the first paragraph by a text with an allusion to the obligation under the Charter of the United Nations not to have recourse to violence.

(2) Amendment of the Polish Delegation (Document HR/22):

Add a paragraph alluding to the obligation arising from the Charter of the United Nations

Verbal Commentary, Record p. 51

(3) Amendment of the Czechoslovak Delegation  
(Document HR/14)

Begin the first paragraph as follows:

"Although all nations are animated by the desire to abolish war and are ..."

(4) Proposal of the Netherlands Red Cross:

Delete the last paragraph

Record, p. 63

(Commentary on the Draft Rules, p. 35)

Article 1

(1) Amendment of the Hungarian Delegation (Document HR/16)

To insert after the words "detailed expression"  
the words "and is sanctioned".

(2) Proposal of the Netherlands Red Cross:

To change the wording of the Article and to add the  
so-called Martens Clause

Record, p. 63

(Commentary on the Draft Rules, pp. 37-39)

Article 2

(1) Amendment of the Polish Delegation (Document HR/22):

To add "international" after "any other".

(Verbal Commentary, Record, p. 51)

(2) Amendment of the Alliance of Red Cross and Red Crescent  
Societies of the USSR. (Document HR/20):

To replace the wording of Article 2 by a provision similar  
to Article 2 of the Geneva Conventions of 1949.

(Commentary on the Draft Rules, pp. 40-41)

Article 3

(1) Amendment of the Polish Delegation (Document HR/22)

In the first line add "all" after "apply to".

Verbal Commentary, Record, p. 51

**(2) Proposal of the Netherlands Red Cross:**

Insert the words "military objectives on land"  
between "against the" and "the adverse Party".

Record, p. 64  
(Commentary on the Draft Rules, pp. 38,  
para. 3 and 4, 43-44 and 54)

Article 4**(1) Amendment of the Polish Delegation (Document HR/22)**

Delete the words "or complementary" in (a)

Verbal Commentary, Record, p. 51

**(2) Proposal of the Humanian Red Cross:**

At (b), insert the words "a direct" between "take" and "part".

Record p, 88  
(Commentary on the Draft Rules, p. 49)

**(3) Amendment of the Alliance of Red Cross and Red Crescent Societies of the USSR (Document HR/20):**

Add a new article to the Rules (to follow Article 4) for the purpose of excluding any unjustified discrimination in the application of the Rules.

Article 5**(1) Amendment of the Polish Delegation (Document HR/22)**

Delete the word "expressly".

(Commentary on the Draft Rules, p. 51)

**(2) Proposal of the Netherlands Red Cross:**

Delete the word "already".

Record, p. 64

Article 6

- (1) Amendment of the Delegation of the German Democratic Republic (Document HR/10):

Delete the words "as such" in the first paragraph.

(Commentary on the Draft Rules, p. 58)

- (2) Amendment of the Hungarian Delegation (Document HR/16):

Delete the words "as such" in the first paragraph and "exclusive" in the second paragraph.

Verbal Commentary, Record, p. 85

(Commentary on the Draft Rules, p. 59)

- (3) Amendment of the Bulgarian Delegation (Document HR/17):

Insert the words "buildings which house children" to precede the words "or means of transport".

(Commentary on the Draft Rules, p. 62)

Add a fourth paragraph with a view to prohibiting attacks against the personnel of Red Cross and of other voluntary relief Societies, engaged in the search for and treatment of the wounded and sick among the civilian population.

- (4) Proposal of the Netherlands Red Cross:

Begin the first paragraph with the words "According to the provision contained in the first paragraph of Article 1"; delete the words "as such".

(Commentary on the Draft Rules, p. 59)

Delete in the second paragraph, the words "means of transport".

Record, p. 64

(Commentary on the Draft Rules, pp. 61-62)

Article 7

- (1) Proposal of the Rumanian Red Cross:

Delete from the first paragraph the words "in order to limit the dangers incurred by the civilian population".

Record, p. 88

(Commentary on the Draft Rules, p. 66)

(2) Amendment of the Alliance of Red Cross and Red Crescent Societies of the USSR (Document HR/20).

Add the following sentence at the end of the second paragraph: "The list of these categories is not restricted and must be revised every ... years".

(Commentary on the Draft Rules, pp. 68-69)

(3) Amendment of the Hungarian Delegation (Document HR/16)

Amend the text as from the word "time" by the addition of the words "would be out of proportion to the military advantage expected".

Verbal Commentary, Record p. 86

(Commentary on the Draft Rules, pp. 70-71)

Article 8

(1) Proposal of the Netherlands Red Cross:

Delete the words "or launching"

Record, p. 64

(Commentary on the Draft Rules, p. 76)

(2) Proposal of the Rumanian Red Cross:

Under (a), delete the second paragraph.

Delete the words "whenever the circumstances allow" under (c)

Record, p. 87

(Commentary on the Draft Rules, p. 84)

Article 9

(1) Proposal of the Netherlands Red Cross:

Delete the second paragraph.

(Commentary on the Draft Rules, pp. 87-89)

Replace the word "above" in the third paragraph by "in this article".

Record, p. 64

Article 10

(1) Proposal of the Netherlands Red Cross:

Replace the wording of the article by the following: "The provisions of Article 8 (8) are also applicable in the case of an area including several military objectives at a distance from one another".

Record, p. 65  
(Commentary on the Draft Rules, pp. 90-91)

Article 11

(1) Proposal of the Netherlands Red Cross:

Add the text of Article 13 as a third paragraph.

Record, p. 65  
(Commentary on the Draft Rules, p. 100)

Article 12

(1) Amendment of the Austrian Delegation (Document HR/24)

Extend the scope of this article to allow special immunity to civil defence organisations by providing them with distinctive badges.

Verbal Commentary, Record, p. 43

(2) Proposal of the Danish Red Cross:

Consider a special status for the personnel of civil defence bodies.

Record, p. 44  
(Commentary on the Draft Rules, p. 48 and 98-99)

(3) Proposal of the Netherlands Red Cross:

Delete paragraph 2

Record, p. 65  
(Commentary on the Draft Rules, p. 98)



Article 13

## (1) Amendment of the Hungarian Delegation (Document HR/16):

Add to the text of paragraph 2 in order to take into account the precautionary measures set forth in Articles 8 and 10.

Verbal Commentary, Record, p. 86

Article 14

(Commentary on the Draft Rules, pp. 101-114)

## (1) Amendment of the Delegation of the German Democratic Republic (Document HR/10):

Replace the first paragraph by a text providing in particular, for the prohibition of chemical, bacteriological and radioactive weapons, as well as other weapons which could escape, in space or in time, from the the control of those who employ them, and which by their very nature, would result in causing serious injury to the civilian population,

Verbal Commentary, Record, p. 41

## (2) Amendment of the Rumanian Red Cross (Document HR/12):

To alter the text of the first paragraph in order to provide for the prohibition of "thermo-nuclear weapons of every kind".

## (3) Amendment of the Czechoslovak Delegation (Document HR/14):

To alter the text of the first paragraph to provide for the prohibition of nuclear weapons with those included in the present wording.

Verbal Commentary, Record, p. 13

## (4) Amendment of the Alliance of Red Cross and Red Crescent Societies of the USSR (Document HR/20):

Replace the first paragraph by a text providing for the prohibition of the use of chemical and bacteriological weapons, atomic and hydrogen weapons and all other weapons of mass destruction.

Verbal Commentary, Record, p. 53

## (5) Amendment of the Polish Delegation (Document HR/22):

Replace, in the first paragraph, "the use" by "the use, stocking and testing".

Add after "delayed action", in the second paragraph, the words "or hidden".

Verbal Commentary, Record, p. 51

(6) Proposal of the Chinese Red Cross:

To alter Article 14 in order to include the absolute prohibition of nuclear weapons.

Record, p. 89

(7) Proposal of the Netherlands Red Cross:

Delete this article.

Record, p. 65

(8) Proposal of the Philippine Delegation:

Amend Article 14 in order to include the right to use nuclear weapons for legitimate defence, and to prescribe adequate and efficient safeguards, including measures for supervision and inspection.

Record, p. 22

(9) Proposal of the Chilean Delegation:

To delay the final approval of this article until the United Nations reach an agreement on the question of disarmament; in the event of failure to reach an agreement within a certain time, Article 14 would be automatically approved.

Record, p. 33

(10) Proposal of the Swedish Delegation (in connection with Article 14):

Study the possibility of adding to Geneva Protocol of 1925 the prohibition of heavy nuclear bombs.

Record, p. 69

Article 15

(1) Amendment of the Polish Delegation (Document HR/22)

The insertion, in the third line, after "The charts" of the words "and the directions for operating the safety device to render the mines harmless"

Verbal Commentary, Record, p. 51

(2) Proposal of the Netherlands Red Cross:

Delete the words "without prejudice to the stipulations of the VIIIth Hague Convention of 1909"

Record, p. 66

(Commentary on the Draft Rules, p. 114-115)

Article 16

(1) Amendment of the Polish Delegation (Document HR/22)

Delete, in the first paragraph, the words "to reply, and if it agrees....".

Insert in the first paragraph, fourth line, after "open town", the words "if this locality satisfies the conditions mentioned in (a) and (d) below".

Replace the words "make the recognition of the status of "open town" conditional upon "by "demand the" in the third paragraph.

Insert in the fifth paragraph, after "accordingly", the words "and to fulfil all conditions arising from the present Rules and from all other rules of International Law"

Verbal Commentary, Record, p. 51-52

(2) Proposal of the Netherlands Red Cross:

In the first paragraph, end the second sentence at "on the said town" and add a second paragraph worded thus: "The said town may only be occupied by ground troops moving in by road".

(Commentary on the Draft Rules, p. 120)

Insert after "All attacks" in the third paragraph the words "against the town".

Record, p. 66

Article 17

(1) Amendment of the Hungarian Delegation (Document HR/16)

Delete this article.

Verbal Commentary, Record, p. 86

(2) Amendment of the Alliance of Red Cross and Red Crescent Societies of the USSR (Document HR/20)

Alter the wording of the article in order to prohibit in all circumstances the destruction of the installations intended for peaceful purposes set forth in Article 17.

(Commentary on the Draft Rules, p. 124

Article 18

(1) Proposal of the Netherlands Red Cross:

Redraft the text to make it more explicit and correct.

Record, p. 66

(Commentary on the Draft Rules, pp. 128-131)

Article 19

(1) Amendment of the Austrian Delegation (Document HR/24)

Amend the provisions of this article in order that prosecutions, investigations and trials shall be carried out by courts or commissions with international jurisdiction.

Verbal Commentary, Record, p. 43

(2) Proposal of the Japanese Red Cross:

That the ICRC should draw up a model law for the repression of breaches of the Draft Rules.

Record, p. 33

(3) Proposal of the Rumanian Red Cross:

Strengthen the provisions of this article in order to guarantee effective repression of breaches.

Record, p. 88

Article 20

(1) Amendment of the Polish Delegation (Document HR/22)

Insert, before the first paragraph, an article urging all States concerned to introduce the necessary legislation for bringing the Draft Rules into force in their respective territories.

Verbal Commentary, Record, p. 52

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