

Developments in international law

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III. DEVELOPMENTS IN INTERNATIONAL LAW

RATIFICATIONS OF THE GENEVA CONVENTIONS OF AUGUST 12, 1949

During 1951 six Powers ratified the Four Conventions without reservations, namely, the Holy See (February 22), Lebanon (April 10), Denmark (June 27), France (June 28), Norway (August 3) and Italy (December 17).

Jordan, which was not signatory to the Conventions, adhered without reservations on May 29.

Pakistan, signatory to the four Conventions without reservations, ratified them with reservations on June 12. (These reservations are principally concerned with the possibility for the Occupying Power to sentence criminals to death in time of war, even if the legislation of their country does not provide for capital punishment.)

The Philippine Republic ratified, without reservations, the First Convention (Wounded and Sick) on April 7. Israel, signatory to the four Conventions but with reservations relative to the use of the Shield of David in lieu of the Red Cross, ratified the Conventions, while maintaining the same reservations, on July 6.

By the end of the year, these ratifications and adhesions, together with the seven ratifications deposited the previous year¹, brought the number of Powers bound by the Geneva Conventions of August 12, 1949, up to seventeen.

¹ See ICRC Report for 1950, page 29.

DISSEMINATION OF THE CONVENTIONS

With a view to spreading a basic knowledge of the Geneva Conventions in all circles, the ICRC has published a brief summary for “members of the armed forces and the general public”. This pocket-size booklet of 14 pages is published in French, English and Spanish and is bound in a stiff linen cover. It may be carried in the pocket and referred to at any time.

Nevertheless, a commentary on the Geneva Conventions on as full a scale as possible, including in particular a summary of the preparatory work, and of the experiences upon which the experts based their work and the discussions of the plenipotentiaries before adopting their drafts, with or without amendments, would be of great interest for a proper understanding of the text. The ICRC has already embarked on this lengthy task and the first part is practically finished (First Convention, Wounded and Sick). The Committee intends to continue the work on similar lines for the other Conventions during the coming years.

PROTECTION OF THE RED CROSS EMBLEM¹

The Diplomatic Conference of 1949 gave considerable attention to the question of the Red Cross emblem. The articles adopted in this respect show a decided progress, having at last established a fundamental distinction between the protective sign (as displayed on all objects for which the Convention prescribes protection) and that of a purely indicatory nature (when used in connection with the Red Cross without implying protection under the Convention). By this the Conference not only surrounded the emblem of protection with the strictest safeguards : it also enabled National Red Cross Societies to make extensive use, in the indi-

¹ See on the subject the text of the Model-Law set up by the ICRC for the protection of the emblem and name of the Red Cross. *Revue internationale*, July 1951, page 535.

catory sense, of an emblem which has become popular, and to which they have a most legitimate right.

Thus, apart from the administrative measures which will have to be taken by the authorities concerned at all times, each country is called upon to promulgate the necessary legislation for the prohibition and prevention of abuses, either collective or individual, or at least to supplement national legislation already in existence on the subject.

In order to assist them to some extent in this important and delicate task, the International Committee of the Red Cross considered it necessary to publish (as in 1932) a model-law, on which national legislation could be based. The text was communicated to National Red Cross Societies by a circular letter dated April 7, 1951.¹

HOSPITAL AND SAFETY ZONES²

The ICRC has made a detailed report (published in French, English and Spanish) on the question of safety zones.

Zones or localities may be constituted; the word "locality" implies a fixed area of reduced surface, usually containing buildings. A "zone" is used to designate a relatively large area of rural territory, which may consist of one or more localities.

The system prescribed by the Geneva Conventions has all the necessary flexibility. A safety zone for example may give shelter both to the civilian population and to military or civilian wounded.

The articles of the two Geneva Conventions concerning safety zones are not of an obligatory nature, but should be considered as an invitation to States to put the proposed system into operation.

The institution of hospital and safety zones does not constitute any fundamentally new *legal* protection. Wounded, hospitals and civilians are already protected by the Geneva Conventions or other provisions of the Law of Nations. It is however a *practical* means of making this protection more effective.

¹ Published in the *Revue internationale de la Croix-Rouge*, July 1951, page 535.

² See the report on the subject published by the ICRC in the *Revue internationale de la Croix-Rouge*, June 1951, pages 442 ff., August 1951, pages 628 ff.

IMPLEMENTATION OF CERTAIN PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN WARTIME

The Fourth Convention (Civilians), which commits the International Red Cross to important duties for the protection of civilian populations in time of war, includes several measures which, if they are to be put into normal practice in time of conflict, should be implemented in time of peace.

This applies, in particular, to Articles 14 (Hospital and Safety Zones) and 24 (Identification of children under 12 years of age).

In regard to these two questions and on numerous other subjects the ICRC had on some occasions to reply to requests for information from governmental bodies, such as the Council of Europe, or from National Red Cross Societies.

For the identification of children, the German Red Cross suggested putting in motion a scheme for providing identity discs containing a microfilm, of which a duplicate would be kept in a national card-index. The scheme was to be financed by the State, but operated by the Red Cross, and was to be applicable for the entire civilian population. On receiving this suggestion, the ICRC approached the International organizations concerned with the protection of children, in order to study the best means for giving effect, in case of need, to Article 24 of the Civilians Convention.

With regard to hospital and safety zones, the ICRC informed the Council of Europe that, should any Government intend to implement in peace time certain provisions contained in Article 14 of the Civilians Convention, the Committee would meet the obligation conferred upon it by this Article to give technical advice and assistance.

ATOMIC AND NON-DIRECTED WEAPONS

In the early months of 1951 the ICRC received replies from the Governments of Egypt, France, Greece, New Zealand, Syria and

Turkey to its message of April 1950, relative to atom bombs and non-directed weapons.

These replies were published in the *Revue Internationale de la Croix-Rouge* (June 1951, page 485).

ALLEGED VIOLATIONS OF INTERNATIONAL LAW

Since the beginning of the Korean conflict, the International Committee of the Red Cross has received nineteen communications relating to the alleged violations of international law, notably of the Geneva Conventions.

In reference to these various communications, of which eleven were from National Red Cross Societies not belonging to belligerent States, the ICRC recalled by its Memorandum of November 23, 1951, the principles which have guided it in regard to alleged violations of humanitarian international law.

This document sets forth that the "supervision" properly speaking of the application of the Geneva Conventions of 1949 is entrusted to the "Protecting Powers". Doubtless the ICRC, through its Delegates, does in fact exercise a certain supervision. But its essential task, in time of conflict, is to ensure the carrying out of the work entrusted to it by the Conventions or devolving on it under its own Statutes and those of the International Red Cross. It can work better thus for the development of humanitarian legislation for the protection of war victims. "Instead of passing judgment, the Red Cross must bring help. Before theorizing about principles, it must translate them into action."
