

**JULY 1971**

**ELEVENTH YEAR — No. 124**

# **international review of the red cross**



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JULY 1971 - No. 124

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**GERMAN**

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS

### CONFERENCE OF GOVERNMENT EXPERTS

*In our previous issue, we reported on the opening meeting on 24 May 1971 of the Conference of Government Experts, convened in Geneva by the ICRC, and at the same time we gave the texts of the opening speeches which revealed how important the meeting was.<sup>1</sup> The Conference finished on 11 June and we now quote below the message of the President of the ICRC at the closing session, as well as three papers delivered outlining the work of the Conference.*

#### **Mr. M. A. Naville, President of the ICRC**

Now that this conference is drawing to a close the time has come to explain briefly how the International Committee of the Red Cross intends to follow up your discussions. The work of the conference has shown that solutions are possible and desirable and that it is therefore necessary to continue the work to reaffirm and develop humanitarian law.

The ICRC will draw up a full report, the gist of which will comprise the reports of the four Commissions. It will be sent to the Governments of all States parties to the Geneva Conventions and will be available to the United Nations. Those Governments, whether they took part or not in this conference, will be invited to make

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<sup>1</sup> *Plate.*

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known their opinions and any suggestions, in accordance with Resolution XIII of the XXIst International Conference of the Red Cross at Istanbul in 1969. It is in fact our wish to associate them in our efforts. The same applies to all the National Red Cross Societies to which the report will also be conveyed.

The headway made by the conference has been somewhat varied.

For instance, two draft protocols have been drawn up in Commission I on the protection of the wounded and the sick, whereas the important problem of medical aviation was hardly approached. On that subject, the ICRC has been requested to draw up a draft with the assistance of specialists.

While Commission II devoted much of its time to non-international armed conflicts, it hardly glanced at the problem of guerilla warfare, which is of acute concern to us. In addition, the problem of internal disturbances, to which the ICRC attaches great importance, was not broached.

In Commission III, the subjects as a whole were dealt with and in a field which in our opinion is essential, namely the protection of civilian populations, the results were encouraging. There too, the ICRC has been asked to draw up more detailed drafts.

Commission IV covered its agenda without however reaching precise conclusions on some items. The ICRC has been invited to carry on its studies, possibly by sending a questionnaire to Governments.

The considerations which I have just outlined clearly lead to the conclusion that a second session will be necessary. This we had, incidentally, expected when sending out our letter of invitation and many experts expressed the wish for such a second meeting.

In the circumstances, I wish to inform you that the ICRC has decided to convene that meeting. In view of the arrangements which will have to be made by one and all, it could take place in April or May next year. The meeting place I may inform you, after consulting the Government of the Netherlands, will be Geneva. Attendance could also be on a broader basis. The ICRC will shortly examine the question but would be pleased to know right away any suggestion you may have. It would be expedient to allow for a slightly longer meeting than the present one.

The ICRC will endeavour to draw up for the next meeting a series of draft protocols bearing in mind as far as possible the various opinions expressed here but without necessarily proposing compromise solutions nor seeking systematically a kind of common denominator easily acceptable by all parties. Each article will be accompanied by a brief comment but, of course, the eight fascicles which you have received will still be the basic documentary material as well as, of course, the report on the present conference.

That is the programme which the ICRC intends to follow in the immediate future; it goes without saying that it will devote its full attention to any remarks which you may make during the present proceedings. It intends also to continue its close and fruitful collaboration with the Secretary-General of the United Nations and with the Human Rights Division. In this connection, it should be noted that the twenty-sixth session of the General Assembly will again have on its agenda the protection of human rights in armed conflict. The ICRC would be pleased if Governments which kindly delegated experts to this meeting would be in favour of the adoption by the General Assembly of a resolution which takes into account the programme which I have just had the honour of explaining to you.

\*

### **M. J. Pictet, Vice-President of the ICRC**

It must be said right away that the Conference dealt only with part of the matters included on its agenda. Some were studied thoroughly and others were left aside or merely touched upon. As it was materially impossible to prolong the meeting, it has been decided to convene a second conference later.

Generally speaking, the Conference achieved its purpose. We now know that it is possible to continue the work for the reaffirmation and development of international humanitarian law, an undertaking upon which the ICRC embarked not without some spirit. We know also that it will be possible subsequently to convene a diplomatic conference to give the force of law to acceptable texts. As one expert said at the closing session: "it is necessary and possible to draw up for modern warfare rules which, whilst protecting the human being, safeguard State rights".

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The consensus among the experts of 40 States was that terrain existed—a non-political red cross terrain—where they could meet, discuss and work together and be faithful to themselves. They agreed to express their satisfaction at the results achieved, at the copious documentary material prepared for them and at the organization of the Conference. Several underlined the need for continued co-operation between the United Nations and the ICRC.

The ICRC will now sift and study the material gathered and will draw up a report which it will send to all States parties to the Geneva Conventions. It will then work out new, more concrete, and more precise proposals, in the form, as much as possible, of protocols which will be submitted to governments with a new session of the conference in view.

The Conference split into three commissions. The first, to its credit, adopted two draft protocols devoted entirely to the protection of the wounded and the sick, one of them being applicable to internal conflicts. It is true that work on this topic was more advanced than on others, the ICRC having prepared the drafts with help from international medical circles.

The first of these two protocols, containing twelve articles, is intended to extend the protection so far guaranteed only to military medical personnel and the personnel of civilian hospitals. The protocol would henceforth confer that protection on all the civilian doctors who have been seeking it for a long time and on all civilian medical personnel. But it is a condition that that personnel be recognized and authorized by the State. In each country, a civilian medical service could be set up with its doctors, its buildings and its vehicles all protected. The organization of such a health service would make it possible to authorise it to display the sign of the red cross, a right which so far has been denied it.

Apart from this main objective, more general provisions which medical services had been demanding were brought to the fore; for example, article 4 relating to respect for persons, forbids “ any unjustified act or omission which endangers the health or physical or mental well-being of any protected person ”. We would mention in this connection that by “ protected person ” is meant those covered by the four Geneva Conventions, that is to say the wounded



and the sick, prisoners of war and civilian populations under the authority of an enemy power. Consequently, it is forbidden to submit protected persons to experiments and treatment not justified on medical grounds, even if they themselves consent.

Article 10 on protection in the discharge of medical duties is largely new. In no circumstances may the exercise of medical activities consistent with professional rules be considered an offence, no matter who the beneficiary may be. In no circumstances will medical personnel be compelled to violate any provision of the Geneva Conventions or of the new protocol. No medical personnel shall be required to perform acts or to work in breach of professional rules. A doctor may no longer be compelled to take life or to inform an occupation authority of the wounded and sick in his care, unless failure to do so would be contrary to the regulations concerning the notification of communicable diseases.

The second protocol is applicable in non-international conflicts. It is intended to broaden, as it were, the scope of article 3, common to the four Geneva Conventions and which merely states in this connection: "the wounded and sick shall be collected and cared for". Nothing had been previously said on the protection of doctors, hospitals and the sign of the red cross. There are now nine articles on the protection, search and recording of the wounded, the sick and the dead, and on the protection of medical and religious personnel, medical establishments and transport, and on respect for the distinctive emblem.

One entirely new provision on international medical assistance was contained in a draft submitted by the Canadian delegation. Medical relief to war victims shall never be considered as an unfriendly act and shall in no way affect the legal status of parties to a conflict. The same applies if a country offers to give refuge on its territory to the wounded, the sick, the disabled, and expectant mothers. This of course reflects experience of recent conflicts.

On the other hand, the Conference did not have time to broach the problem of the safety of medical transport. Experts recognized that it was necessary to legislate in this field in order to bring back into service the unattackable medical aviation which was grounded in 1949 when its use was made contingent on the conclusion of an agreement between belligerents.

**Mr. C. Pilloud, Director, ICRC**

As the conference was a gathering of experts there was no voting and no decision-making. At the outset, the conference expressed the desire for a special commission to examine problems related to the application of existing law. It was for that reason that a fourth commission was set up, its major concern being the supervision of the application of the Geneva Conventions and of the laws and customs of war in general.

The whole system of Geneva Conventions is based on the intervention of Protecting Powers. Yet, since 1949, few of the many conflicts have been international and even in the few that were intervention by Protecting Powers was relatively infrequent for various reasons, often because States do not desire to admit that they are at war. They believe that by appointing a Protecting Power they clearly signify the recognition of a state of war. It has happened that States have fought without breaking off diplomatic relations; such was the case during the conflict between India and Pakistan and again between India and China, each country's diplomatic missions remaining in place.

The main purpose of the discussion therefore was to examine what could be done to remedy the absence of Protecting Powers. First we sought ways and means in the present system of helping governments to find effective Protecting Powers. For example, consideration was given to a regulation according to which the appointment of a Protecting Power for the application of the laws and customs of armed conflict would not in any way imply recognition of an enemy as a State. That could facilitate the appointment. Thought was given also to the setting up of a special body to substitute for Protecting Powers where none was appointed. That body could be part of the United Nations family or entirely separated from it, or again in liaison with it. Many proposals, some extremely valuable, were put forward by the experts.

The ICRC, for its part, having concluded from a full examination of the duties incumbent on Protecting Powers under the Geneva Conventions that all are humanitarian, stated that if it were given the means, and if belligerents agreed, there would be no objection

to its undertaking those duties. In any case, when no Protecting Power was appointed, the International Committee endeavoured to step up its work for the benefit of victims. However, the Protecting Power's duties were considerable and costly if, for example, it had to defend accused persons before the courts. Those duties obviously necessitated large resources in men and money.

Another question discussed was the application of penalties for breaches of the laws and customs of war. Reference was made to the setting up of an international penal tribunal which was demanded in various quarters, but which would appear rather difficult.

Reprisals against persons protected by the Geneva Conventions, that is to say prisoners of war, civilian internees and the populations of occupied territories, are forbidden; on the other hand they are unfortunately still permitted in the conduct of hostilities. The great majority of air raids during the Second World War and subsequent conflicts have been "justified" as measures of reprisals.

The reprisals problem is important, for restrictions to bombing and long-range shelling are essential for the development of the humanitarian laws and customs applicable in armed conflicts: indeed it is the key question, for a whole set of regulations could be immediately wiped out by reprisals.

No solution has yet been found but, in general, the experts held the view that reprisals should not be directed against the civilian population: this is a principle which of course would require fairly detailed regulations in the case, particularly, of bombardments and the use of long-range weapons against strategic objectives.

Commission II had two important subjects on its agenda. The first of these, little of which was dealt with, was "rules applicable in guerrilla warfare". The Commission decided to restrict its study to international conflicts, that is to say conflicts between States. It was held that current international law rules affecting guerrilleros who are not members of regular armies could not always be respected, in view of the modern form of hostilities. According to those rules, persons wishing to claim regular combatant status had to belong to a party to the conflict, had to be under the orders of a responsible leader, had to display a distinctive sign visible at a distance, had to bear weapons openly and, finally, had to abide by the laws and customs applicable in armed conflicts. It was generally

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said that the obligation to display a distinctive sign and bear arms openly made guerrilla warfare nigh on impossible. It was therefore concluded that some compromise solution had to be reached and that what was important above all else was to distinguish clearly between combatants and the civilian population. Failing that, any safeguard of the civilian population becomes impossible and, furthermore, any action by combatants must be carried out loyally. He who fights must be able to realize who his opponent is, and that in no way excludes camouflage. As one of the experts said, a combatant may disguise himself as a tree but not as a civilian!

The Commission had another item on its agenda: the Protection of Victims of Non-International Conflicts, that is to say of civil wars. These have been the most numerous since 1949. Article 3, which is common to the four Geneva Conventions and applies to them, is obviously very limited and, in addition, it has the disadvantage of containing almost no definition of a non-international armed conflict. Consequently, the task to which the Commission first applied itself was to seek a reasonable interpretation of the term "non-international armed conflict". It would appear to be a genuine organized military struggle, in other words a conflict which, although occurring within a State, assumes many of the features of a war between States.

It was admitted that Article 3 should be developed. It was considered, for example, that civilian medical personnel, the wounded and the sick, and the red cross sign, should be respected in an internal armed conflict. Assistance programmes should also be authorized.

It was more difficult to admit that those who had been members of armed forces should not be punished merely for that fact. It was pointed out that such persons were in principle subject to national law. The stay of executions during hostilities was discussed and various opinions were put forward. There again, the ICRC is faced with a heavy task since it is going to prepare a protocol with articles which might be discussed at the next meeting.

The Commission had two further important subjects: foreign intervention in internal armed conflict—which has occurred a number of times during the last fifteen years—and wars of liberation.

The question was raised whether military intervention, on the side of insurgents or the established government, converted the con-

flict to one between States, in which case humanitarian law as a whole should be applicable. The question was discussed at length and gave rise to fairly widely differing opinions. Some experts were of the opinion that it did (it is for example hardly possible to treat captured insurgents differently depending on whether they are taken by the foreign armed forces helping the government or by the government forces themselves), whilst others held the view that foreign intervention could not affect the relationship between a government and its subjects. These are difficult problems to which a solution must be found.

War of liberation is a subject to which reference has been made many times in United Nations resolutions urging prisoner of war status for captured "freedom fighters". What is difficult is to know what is a war of liberation, for if we do not restrict ourselves to observing a state of conflict without seeking the causes and responsibilities, we revert, as it were, to the well known Middle Age conception of "just war" which had such harmful effects. Moreover, who is to decide whether a war is a war of liberation or not? Perhaps some United Nations body. Consideration may also be given to improving the rules applicable to internal conflicts, this being to the benefit of "freedom fighters" irrespective of the characterization of the conflict.

**Mr. R.-J. Wilhelm, Assistant Director, ICRC**

Commission III's agenda was very broad in scope. It included:

- the Protection of the Civilian Population Against Dangers of Hostilities;
- the Protection of Journalists on Dangerous Missions;
- Rules Relative to Behaviour of Combatants.

Of course, in view of all that is implied by the protection of civilian population, there could be no question, as one expert pointed out, of undertaking more than an initial scrutiny of that topic.

In this connection, the experts as a whole approved the idea of drawing up a protocol to supplement the Geneva Conventions which, so far, gave protection especially to civilians in the power of an enemy. The ICRC had submitted a number of proposals for

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concrete rules. Those proposals were the subject of counter-proposals and amendments, and some experts even made extensive proposals which were tantamount to a set of rules intended as guide for the drawing up of a complete protocol.

It is interesting to note that various experts reverted to the work which the ICRC had carried out fourteen years ago, when draft rules were submitted to the International Conference of the Red Cross in 1957 but which governments did not follow up. Some experts also stressed the necessity for certain fundamental rules on the protection of the civilian population in internal conflicts.

From the proceedings of Commission III, it emerged that protection against hostilities depended first and foremost on the reaffirmation and definition of limitations which are necessary, for humanitarian reasons, in the conduct of hostilities. In other words, experts were in general opposed to indiscriminate methods of warfare.

A distinction must be drawn between the civilian population and anything military, as is confirmed by the noticeable trend to that effect in the latest resolutions of the International Red Cross and of the United Nations. Experts, of course, are still mindful of the fact that the protection of the population also depends to a great extent on banning the use of certain weapons during conflict, and several underlined the incompatibility between the protection we wish to be provided and the use of weapons of mass destruction. However, in general, the view was held that the prohibiting of such weapons should continue to be dealt with elsewhere, namely by the United Nations and the disarmament conference, and that the existence of such weapons should not prevent us from forging ahead and drawing up for the protection of the population rules applicable in present-day conflicts. Some experts, moreover, pointed out that the disarmament conference did not concern itself with certain weapons such as napalm and anti-personnel bombs and that the prohibition or limitation of their use should be studied also, possibly by the United Nations.

There was general agreement that any definition of civilian population should be wide, such as that put forward by the ICRC. It was not desirable to exclude from the definition of civilian population which must be protected, factory workers, for example, who in



Photo J. Zbinden ICRC

Conference of Government Experts in Geneva: first plenary session.



Conference of Government Experts: Commission meetings.

Photos J.J. Kurz ICRC





one way or another contribute to the war effort. Of course they run risks when within a military objective but beyond that they are not combatants but members of the civilian population and should be protected as such. Some experts also restated the precautions which belligerents should take to spare civilian populations from harm during military operations. Those precautions are, naturally, incumbent both on those responsible for an attack and on the authorities wielding power over the population which should not, at least deliberately, be exposed to attacks.

The experts examined also another form of protection which they considered rather to be supplementary, that is to say, the setting up of sanctuary zones. Several experts implied that it would be rather difficult to set up such zones in peacetime, as it entailed the transfer of population and was hardly feasible for geographic or military reasons in a great many countries. On the other hand, there was general approval of the ICRC proposals intended to promote, in time of conflict, by agreements between belligerents, the setting up of various types of "neutralized" zones, including "open towns", which would not entail large scale population movements. The International Committee was asked to continue its studies in this field.

Also considered were two other aspects of the safeguard of populations: the protection of organizations providing assistance, and the provision of relief. The proposals which had been fairly well worked out by the ICRC in connection with non-military civil defence organizations were considered as a reasonable basis upon which to build an appropriate set of regulations. The experts expressed the hope that the principles contained in Istanbul Resolution No. XXIV would be developed into appropriate rules, that is to say, to the effect that the offer of relief should not be considered as interference in a conflict or as an unfriendly act, and that it should not arbitrarily be prevented.

The United Nations last year gave consideration to the protection of journalists on dangerous missions. Following a resolution submitted by France and several other States, the question was studied last March in Geneva by the Human Rights Commission which requested the ICRC to have examined by the Conference of Government Experts a draft convention which had been submitted

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to that Commission. Most of the experts were in favour of protection for journalists on dangerous missions. However, several emphasized the duty of journalists to publish only objective and accurate information and they suggested that appropriate rules be drawn up by the international professional committee which would be given the responsibility of issuing journalists going on dangerous missions with safe-conducts.

It was also said that the importance of the question should not be exaggerated, such a treaty being no doubt applicable to relatively few people and that emphasis should first be given to the protection of civilian population in general. In addition, the nature of that interprofessional committee gave rise to many comments. We delved into the question of the protection which should be given to journalists by such a treaty. It could not include the granting of special facilities for their movements. It could enable them to identify themselves if taken prisoner by a belligerent. The experts considered that the question should be given further study and that it was mainly a question for the United Nations.

Finally, the commission briefly examined a few fundamental provisions of the 1907 Hague Regulations on the behaviour of combatants, such as the prohibition against the killing of enemies who surrender. In general, the experts approved the idea of reaffirming those rules, possibly with a more modern wording, and of giving them greater precision in certain respects, such as the treatment of aircrews who are brought down, treachery, and so forth. The ICRC was urged to continue its studies in this field.

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*TWO APPEALS BY THE INTERNATIONAL COMMITTEE*

**For the Victims of the Conflict in South-East Asia**

*On 25 May 1971, the International Committee launched the following appeal to National Red Cross Societies:*

During the past few years, several appeals have been made for assistance to the various countries affected by the war in South-East Asia: Laos—January 1968; Vietnam—February 1968; Laos—April 1970; Cambodia—June 1970. In view of the permanent state of war which exists throughout Indochina, and in view of the infinite suffering resulting therefrom, the International Committee of the Red Cross is today making a general appeal to the generosity of National Societies, calling on them to come to the aid of all the victims of the conflict, regardless of political or ideological affinities.

The following details give some ideas of the immensity of the problems and requirements of the various countries involved in the Indochina conflict.

**I. VIETNAM**

**1. Republic of Vietnam**

The ICRC wishes to expand its activities in several fields and especially those concerning:

- a) *prisoners of war*: medical aid and improvement in nutrition;
- b) *civilian detainees*: medical aid, babyfood, soap, orthopaedic supplies;
- c) *social work*: in hospitals, orphanages and homes for stray children, and assistance to paraplegics.

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Despite the considerable efforts already made, there are still vast requirements to be met and a greater contribution from the ICRC would help to relieve the present hardship.

### **2. Provisional Revolutionary Government of the Republic of South Vietnam**

In accordance with past practice, the ICRC wishes to send relief to the PRGRSV.

### **3. Democratic Republic of Vietnam**

Two field hospitals (worth a total of nearly 2 million Swiss francs) have already been sent to Hanoi. This help was greatly appreciated and the ICRC would like to send more aid.

## II. CAMBODIA

### **1. Khmer Republic**

Since the joint League-ICRC appeal of 8 June 1970, the war has continued and many urgent requests have reached us throughout the year, both from our delegates and from the Khmer Red Cross. These requests are mainly for medical and surgical supplies. Despite the considerable gifts received by the Khmer Red Cross, vast needs remain to be met. Lists of medicaments essential for the continuation of the activities of the National Red Cross reached us just recently.

### **2. The Royal Government of National Union of Cambodia**

The ICRC depatched a quantity of medicaments at the beginning of the year and this was much appreciated. Now the RGNUC has sent the ICRC another, fairly long, list of medicaments, surgical supplies and diagnosis instruments.

## III. LAOS

### **1. Royal Government of Laos**

Since the appeal made by the ICRC on behalf of the civilian populations in April 1970, the refugee situation has continued to

give cause for considerable concern. Our delegate in Laos informed us, for example, of the arrival of 12,000 new refugees in the town of Luang-Prabang alone. It was possible to put some up in schools, but most of them have been assembled on the sand-banks along the Mekong River. The ICRC has already made on-the-spot purchases of top priority supplies to a value of US \$ 11,000.

The most urgent requirements are:

- a) *foodstuffs*: manpa (fish sauce), dried pimentos, dried fish;
- b) *clothing*: sarongs for the men and sinhs for the women.

These refugees also need medical attention and the ICRC delegate has, on many occasions, distributed vitamins, anti-malarial and analgetic drugs.

## 2. Pathet Lao

Here, too, medical aid must be given. As a result of increased fighting, the people need more medical help.

\*

This list is not complete. It only gives a partial idea of the needs of the communities suffering from the effects of the war. It does not take into account the needs of those refugees and displaced persons who are receiving help from the League of Red Cross Societies through one or other of the above-mentioned National Societies. In turning to the National Societies, the ICRC most sincerely hopes to obtain the essential backing which will enable it to successfully carry out a humanitarian task which is becoming ever more necessary.

National Societies are invited to inform the ICRC of the contributions that they would be able to make available in response to this appeal.

Transport of supplies to the above-mentioned countries is both costly and time-consuming. That is why the ICRC takes the liberty of urging National Societies to make their contributions preferably in cash<sup>1</sup>. In fact the most rational way of furnishing aid to these

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<sup>1</sup> Donations should be sent to the ICRC account at the Swiss Bank Corporation, Geneva, with the mention « Indochina ». However, should a National Society wish to make a gift to a special beneficiary, it should mention the fact.

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countries is often to buy supplies on the spot. When this is possible, not only is there considerable saving in time, but the people receive local goods with which they are familiar.

The ICRC recommends that any Society wishing to make its contribution in kind should first contact our Relief Service, which will supply all necessary information.

Reports on the use to which donations are put will be regularly prepared for the information of the donors. The ICRC is relying on the generous support of National Societies to help it in successfully implementing this ambitious relief programme, and would like to thank beforehand all those kind enough to rally to this call.

\* \* \*

## For the Benefit of Victims of the Events in Ceylon

*On 18 June 1971, the International Committee also appealed in the following terms to various National Societies :*

The International Committee of the Red Cross despatched, on 26 April, a delegate to Ceylon, to enquire into the needs to be provided for following the recent events there. On the basis of the reports received in Geneva, it has been decided to carry out a relief action for the benefit of some 15,000 detainees. As a preliminary measure of assistance, the ICRC has advanced the sum of 40,000 Swiss Francs.

The action in view consists essentially in supplying garments and clothing material for these detainees. Various tools and equipment for their rehabilitation are also included in the requests for aid.

The International Committee of the Red Cross ventures to approach your Society in order to find out how far it would be possible for it to participate in this humanitarian action, and takes the liberty of urging National Societies to contribute, preferably, in cash.<sup>1</sup>

For those National Societies wishing to give contributions in kind, detailed lists of the supplies needed are available. National

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<sup>1</sup> Donations should be sent to the ICRC account at the Swiss Bank Corporation, Geneva, with the mention « Ceylon ».

INTERNATIONAL COMMITTEE

Societies are earnestly recommended to get in touch with Geneva before despatching relief of any sort.

The ICRC extends in advance its thanks to all Societies responding generously to this appeal.

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*Further to this appeal, the ICRC sent National Societies on 25 June 1971 a list of medicaments, dressing material and surgical equipment which the Ceylon Red Cross needs most urgently.*

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*EXTERNAL ACTIVITIES***Burundi**

From 26 to 28 May 1971, the ICRC delegates for Eastern Africa, Mr. R. Weber and Mr. P. Gachoud, went to Burundi to visit five prisons there. They saw persons held for political reasons and offences and talked without witnesses with prisoners of their choice.

The delegates, in co-operation with the Burundi Red Cross, distributed toilet requisites and note-paper. They also handed over to the National Society mats and medicaments to be distributed at a later date.

**Venezuela**

In response to a wish expressed by several Latin American Red Cross Societies at the Managua Inter-American Conference in December 1970, and in order to ensure greater continuity for its work in Latin America, the ICRC has decided to set up in that area a regional delegation based at Caracas, capital of Venezuela.

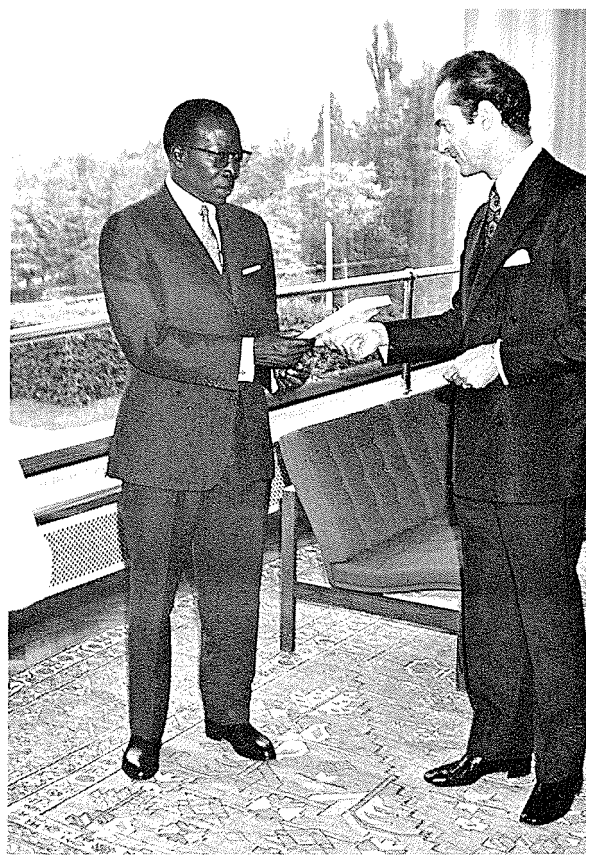
The assignment of the two permanent delegates stationed in Caracas will embrace South America, Central America and the Caribbean area. The delegation will be officially opened in August.

**Haiti**

On 11 May, 1971, the ICRC sent to the Haiti Red Cross by air a consignment of 15 first aid kits for the National Society's mobile units.

Four days later, two tons of powdered milk for the Haitian medico-social programme for the benefit of the waifs and strays





**ICRC headquarters, Geneva:** Mr. M. A. Naville presenting H. E. Mr. Léopold Sédar Senghor, President of the Republic of Senegal, with a book by Henry Dunant.

Photo J.J. Kurz/ICRC

**Battambang, Khmer Republic:** Vietnamese awaiting a relief distribution during a visit by the ICRC delegate (April 1971).

Photos Isler ICRC





of Cap-Haitien, and a Land Rover were loaded on a ship sailing from Rotterdam to Port-au-Prince.

## Ceylon

Continuing his mission in Ceylon, which began on 27 April, 1971, Mr. Roger Du Pasquier, delegate of the ICRC, went to the southern part of the island. He visited, together with members of the National Red Cross Society and government officials, hospitals at Galle, Deniyaya, Hambantota and Tissamaharama. At Matara, he visited the prison where persons arrested because of the events are detained.

On 7 June, Mr. Du Pasquier returned to Anuradhapura in the north-western region, after having visited it a first time on 5 and 6 May, and carried out a first distribution of relief supplies to 500 detainees, giving out over 1,000 vests, material for shorts and sports equipment. These articles were bought locally from funds advanced by the ICRC.

In addition, the ICRC decided to launch an appeal to 21 National Red Cross Societies.<sup>1</sup> The relief action in view, for which the ICRC has already advanced 40,000 Swiss francs, consists essentially in furnishing clothes and clothing material, tools and equipment for the great number of persons detained following the events.

## Japan

The second stage of the repatriation of Koreans from Japan began on 11 May 1971. These are persons who came to Japan before or during the Second World War and now wish to return to the Democratic People's Republic of Korea.

The first stage had taken place between December 1959 and December 1967 during which period over 88,500 persons were able to return to Pyongyang. Repatriations were organized by the Japanese Red Cross and the Red Cross Society of the Democratic People's Republic of Korea. The ICRC had been called in by Japan in 1959 to make sure that the Koreans enjoyed full liberty of choice and that none of them was prevented from leaving or was compelled to quit Japan.

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<sup>1</sup> Elsewhere in this issue, we give the text of the appeal.

These repatriations were discontinued in 1967, although many persons who had applied within the prescribed time-limits had not been able to get away.

A second phase has now been decided after lengthy negotiations between the two National Societies. The ICRC has opened for that purpose an office in the Red Cross building at Tokyo, and a delegate, Miss Elsa Casal, has been assigned the task of continuing the mission which she had begun in 1959.

Plans have been made for repatriations to continue at the rate of one sailing a month from the port of Niigata, in north-west Japan, on the coast of the Sea of Japan. The first departure took place on 14 May with 204 persons on board, and a second ship left Niigata on 18 June with 169 persons.

## **Laos**

During May 1971, the delegation of the ICRC in Laos provided relief to 1,424 families, numbering over 6,000 persons, in Luang Prabang province. They received food, blankets and clothing material.

Early in June, the ICRC delegate, accompanied by a member of the Laos Red Cross, distributed relief supplies to refugees in Pakse, in southern Laos. Over 900 persons from 185 families received mosquito nets, blankets and material. In addition, 17 Vietnamese families were provided with ICRC aid.

Distributions were also carried out at Savannakhet and Seno, where 423 and 300 families respectively received food and clothing; a cash donation was made to the hospital at Seno for medicaments to be purchased at a later date.

## **Khmer Republic**

On 1 April and again, on 29, 30 and 31 May, a delegate of the ICRC in the Khmer Republic visited, in the town of Battambang, the three camps where about 4,000 Vietnamese from the north-western Khmer provinces along the border with Thailand have been collected. His previous visit to this area was at the beginning of October 1970.

He carried out these visits in the company of representatives of the government and of the Khmer Red Cross. Families most in need received relief supplies.<sup>1</sup>

On 8 June 1971, a delegate and a doctor-delegate of the ICRC visited three centres for Cambodian refugees and Vietnamese in Phnom-Penh.

At the Cao-Dai centre for Vietnamese, there are 535 persons, mainly from the regions of Battambang and Kompong-Chhnang. A number of medical improvements have been carried out since the last visit of the ICRC and living conditions in the camp are substantially better.

The delegates visited the centre for Khmer refugees at Chak Angré, sheltering 435 persons, some from Rattanakiri (54 families containing nearly 200 persons) and some from the transit camp at Pochentong (52 families, 235 persons).

In the Chruai Changwar camp, they saw 540 persons belonging to the families of troops in the province of Mondol Kiri (Loeu Khmers). The doctor-delegate detected, among these refugees, some cases of vitamin deficiency and, among the children, a number of cases of chicken pox. The Municipal Health Service has begun to vaccinate the refugees against smallpox.

In Phnom-Penh, there are in all 29 camps holding about 8,400 refugees and Vietnamese gathered there.

## Republic of Vietnam

The delegates and doctor-delegates of the ICRC in the Republic of Vietnam visited several places of detention during the last few weeks.

They went to the prisoner-of-war camp at Qui-Nonh, where they talked with prisoners of war without witnesses.

The delegates also visited the correctional institutions at Truc-Giang (Bên-Trê), Vinh-Long, Hué, Quang-Tri, Quang-Long (Cà-Mau), Phan Thiêt and Qui-Nonh, as well as the Vietnamese Armed Forces Military Hospital at Ban-Mê-Thuôt.

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<sup>1</sup> *Plate.*

## Near East

### Israel and the occupied territories

*Visits to prisons.*—ICRC delegates in Israel and the occupied territories went, in their thirteenth series of visits to prisons, to 13 places of detention where they saw over 3,000 Arab detainees.

They talked with prisoners of their choice and handed over food parcels to 506 detainees who had not been visited by their families for three months.

*Repatriation of civilians.*—On 3 June, a Lebanese fisherman, who had been wounded when captured at sea, was repatriated under ICRC auspices at Roshanikra. He had been visited several times at the hospital where he was under medical care.

On 15 June, in a further repatriation operation, a thirteen-year old girl was sent back to Lebanon.

*Visits to prisoners of war.*—During incidents on 19 May 1971 on the occupied Golan Heights, Israeli troops captured two Syrian soldiers and killed two more.

On 21 May, the two bodies were repatriated under ICRC auspices. The delegates visited the same day the two wounded prisoners in hospital.

Early in June, three soldiers of the United Arab Republic were captured in the southern sector of the Suez Canal, and a Syrian soldier was made prisoner on the Golan Heights.

On 21 June, the ICRC delegates visited these fresh prisoners of war at the same time when they saw all the previous prisoners of war still interned at the Sarafand Military Prison (72 from the U.A.R., 39 Syrians and one Jordanian).

### Jordan

During May 1971, the ICRC delegate in Jordan visited, at the Jordanian police post of Kerak, a number of persons who had been expelled from Israeli occupied territory towards Transjordan.

The delegate talked with these persons without witnesses and gave news of them to the ICRC delegation in Israel to be transmitted to their families.

**United Arab Republic**

On 19 May and 9 June 1971, the ICRC delegates in the United Arab Republic visited the 9 Israeli prisoners of war held in the Abassieh Military Prison and, on 20 May and 10 June, the two Israeli prisoners of war who had been wounded and were in a Cairo hospital.

In addition, on the occasion of the Jewish feast of Shavohot, two able-bodied prisoners from Abassieh were allowed to visit their wounded comrades.

**Syria**

*Visit to prisoners of war.*—The three Israeli prisoners of war in Syrian hands were visited by the ICRC delegate on 22 May and 23 June 1971.

*A family is re-united.*—The delegates of the ICRC in Israel and the occupied territories arranged with their opposite number in Syria on 16 June for a family, dispersed during the June 1967 conflict, to be re-united.

One of its members was allowed to join his kin in occupied territory on the Golan Heights.

*Despatch of relief.*—On 11 June 1971, 4,400 tons of flour (donated by the EEC), 20 tons of cleaning material and disinfectants (donated by the German Red Cross in the Federal Republic of Germany) and 749 kgs of medicaments (sent by the ICRC; part of this consignment was donated by the Swiss association Interpharma), arrived at the port of Lattakia. These relief supplies are for refugees from the Golan Heights.

*IN GENEVA***President of Senegal visits ICRC**

During his stay in Geneva for the International Labour Conference, H.E. Mr. Léopold Sédar Senghor, President of the Republic of Senegal, visited the ICRC.

The President of the ICRC, Mr. Marcel A. Naville, with members and senior officials of the International Committee, welcomed their distinguished visitor, who was introduced by H. E. Mr. Cissé, Ambassador of Senegal in Geneva.<sup>1</sup> This meeting was attended also by Mr. Henrik Beer, Secretary-General of the League of Red Cross Societies.

Mr. Senghor visited the Central Tracing Agency, where he saw his name mentioned in several lists of prisoners of war.

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<sup>1</sup> *Plate.*



# IN THE RED CROSS WORLD

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## REGIONAL TRAINING INSTITUTE IN WEST AFRICA

The League of Red Cross Societies organized, from 8 to 29 April, 1971, at Greenhill, near Accra (Ghana), a seminar of the Regional Training Institute for English-speaking National Societies in West Africa.<sup>1</sup> The League was represented by Mr. A. Schmid, Regional Services Director and Miss T. Ohashi of the Junior Red Cross Bureau, and the ICRC by Mr. S. Svikovsky. The seminar followed on the one held in November 1970 at Dar-es-Salaam, an account of which appeared in our February 1971 issue. The Regional Training Institutes are the instruments made available by the League to National Societies in order to meet the needs of the Red Cross world where the training of senior Red Cross staff is concerned. The participants are selected from among career staff and volunteers, who want to get more efficient in their own work and to be a factor in the progress of their National Society, and who are ready to develop their aptitudes for participating in Red Cross action and development on national and international levels.

Taking part in the Accra session were twenty-six delegates, selected from among leaders and volunteer members of the National Societies of the following countries: Botswana, Cameroon, Finland, Gambia, German Democratic Republic, Ghana, Liberia, Nigeria, Norway, Sierra Leone and the United States. The items on the agenda of the working sessions included various topics related to specific duties and resources of Red Cross Societies in West African countries. The social and cultural structures of the countries concerned, as well as their medico-social and economic programmes, were examined. The participants also studied, in the context of a better adaptation to the needs of the inhabitants, National Societies' work programmes such as: blood transfusion, first aid and

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<sup>1</sup> *Plate.*

## IN THE RED CROSS WORLD

nursing, disaster preparedness and relief, youth in Red Cross, information and public relations, fund-raising campaigns, elements of planning and co-operation between the Red Cross, governments and voluntary organizations. Subjects of a still more general character were also studied: the Geneva Conventions, the Red Cross Principles, education and social development, and assessment of progress.

In his opening address, the Hon. Mr. Justice Nii Amaa Ollemnu, Speaker of the Ghana Parliament and Vice-President of the Ghana Red Cross, stressed, in a striking speech, the need for the Red Cross to contribute still more efficiently to the development of the African continent. He declared that it could not limit its effort to rendering first aid and to sending relief in disaster operations. The Red Cross, he said, could and should extend its field of action. He then went on:

The time is now ripe for the Red Cross to make the organizational arrangements and the operational plans which will put Red Cross Societies into the mainstream of social welfare developments. It is necessary for the Red Cross to accept a total community approach; not the "atomistic" efforts which still dominate today's picture, but one based on motivation within the community from those directly concerned.

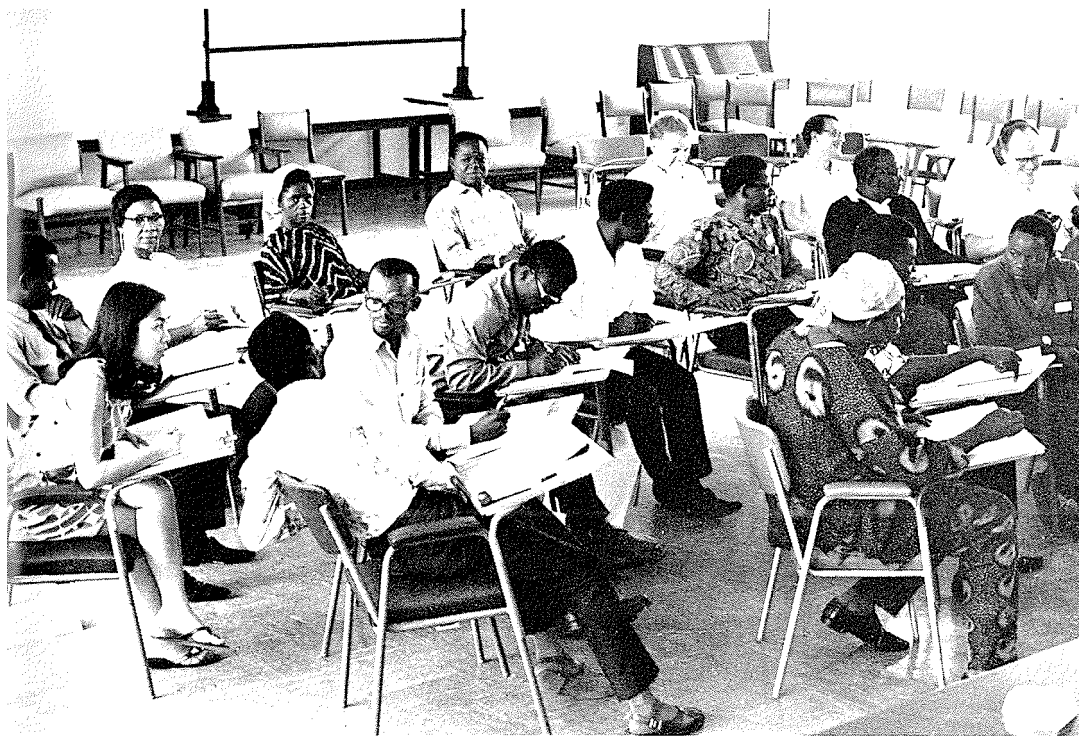
This, of course, represents a tremendous challenge to our movement, for our National Societies, for our leaders and members, in fact, a challenge to us all.

The most necessary innovation might have to do with youth. Youth as participants, not only with some leaders as hostages at big meetings but as real colleagues in planning and execution! But are our National Societies readily willing and able to meet this challenge? In the past, Red Cross has always been a pioneer in developing new approaches, new methods towards meeting, through the work of volunteers, the ever-changing needs of humanity.

I strongly believe that today we are able to produce the bold efforts demanded from us by our people in a fast integration world.

To achieve this challenging goal, to maintain our role as a pioneer, we need an increasing number of fully dedicated dynamic leaders who will provide guidance and appeal to our communities.

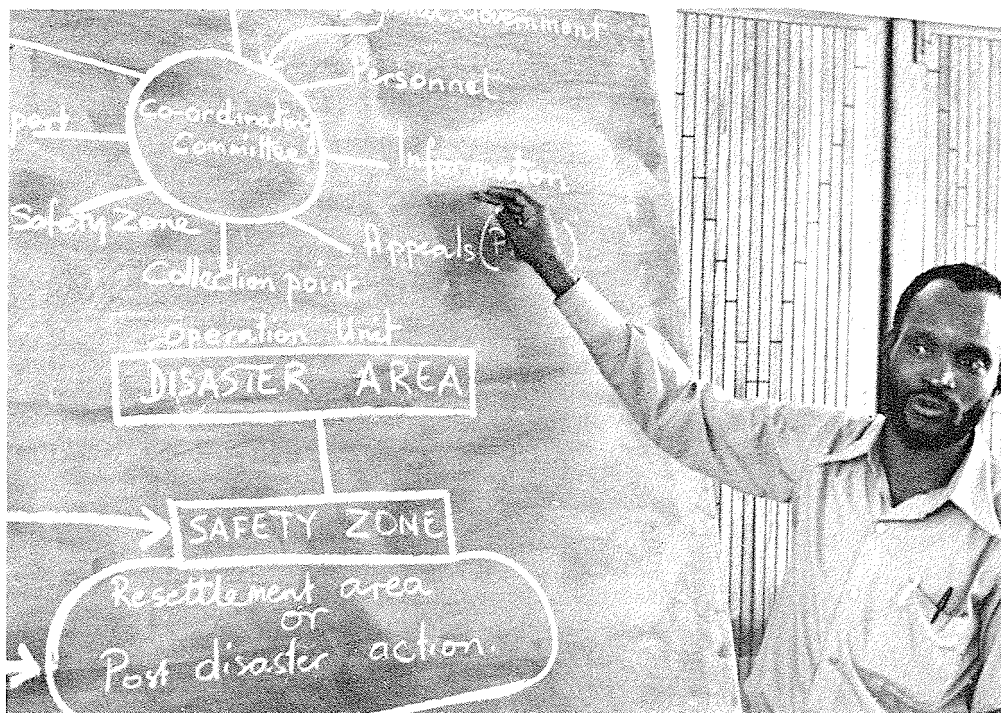
The Red Cross movement needs an international corps of far-sighted volunteer leaders and executive staff willing and able to clearly identify the problems, to conceive and plan in connection



Accra: Regional Training Institute organized by the League. A working session...

... in which a Nigerian participant in the Seminar explains pre-disaster relief planning.

Photos M. Häggblom





with the authorities the sort of service programmes which will have a real impact on the community's development.

These people must have the skills to find new approaches and new methods to make the Red Cross totally relevant to the life of the nations and mankind.

The purpose of this Institute is precisely to help training this sort of leader.

The seminar was directed by the eminent Ghana sociologist, Professor K. E. de Graft-Johnson; lectures were given and discussions conducted by nine teachers, doctors, specialists in social and cultural problems and other experts, not all of whom belonged to the Red Cross. The participants themselves took an extensive part in the discussions, describing their own experiences and sharing the actual responsibility of the Institute's work. Several papers on subjects of considerable interest for the understanding of Red Cross problems in this part of the world were read by leaders of African National Societies. These included Disaster Preparedness (*Nigerian Red Cross Society*)—Nursery Project (*Gambia Red Cross Society*)—Public Information (*Sierra Leone Red Cross Society*)—Fund Raising (*Liberian Red Cross Society*)—Welfare Programmes (*Ghana Red Cross*). Carefully prepared practical exercises were demonstrated in the institute building and outside.

The fact that the matters discussed were all concrete problems, and the assiduity of all participants, were sufficient to ensure full success for the seminar. A forthcoming session will be held from 1 to 22 September 1971 in Dakar (Senegal) for the French-speaking National Societies in West Africa.

HENRY DUNANT INSTITUTE

Science and the Red Cross

In its April issue, the *International Review of the Red Cross* mentioned the publication of a book which is already considered an authoritative work: *Belligerent Reprisals*, by Professor Kalshoven. A high distinction, the Koninklyke Shell prize, has just been awarded to him in recognition of the book's worth.

This book inaugurated a new collection at the Henry Dunant Institute: *The Scientific Collection*. What is the purpose and program of this collection? The time has come to answer that question.

Between the Red Cross and many sciences there is a greater wealth of exchanges than appears at first sight. The Red Cross is constantly appealing to science, law, medicine and sociology for example, but no less frequently it contributes to the progress of those same sciences. *The Scientific Collection* at the Henry Dunant Institute will be the place for such exchanges, the link between science and the Red Cross.

Two books now in preparation clearly show this. Both will be collected works: the first, by Professor D. Schindler, will include all texts making up the law of armed conflicts; in the second, Professor J. Zourek will collect all texts constituting the law of peace, the *jus ad bellum*.

To bring these treaties together, comment upon them, annotate them; to give for each of them a full and exact list of ratifications, accessions and reservations, was no mean task. It is the answer to the desire of legal experts, diplomats, soldiers and research workers who wanted a complete and practical collection of these treaties.

From its beginning the Red Cross, albeit not always understood, has sought to attenuate the evils of war and to outlaw war. This twofold tool bears witness to the determination of the Red Cross to continue that effort which is ambiguous only in appearance.

P. B.

## Algeria

The Algerian Red Crescent Society issues a quarterly review called *Informations*. It is intended, as Mr. Belaouane, President of the National Society, writes in an introduction, "to make known, especially abroad, the Algerian Red Crescent. It will appear in Arabic. The first version to appear in a foreign language will be in French. Later, editions in other languages might be envisaged". However, *El Hilal*, the bulletin which has been appearing already for some time, will continue to come out, but will contain mainly local news features, articles on the everyday events of the Committees and detailed accounts of emergency actions.

The first issue of this new magazine, which has just been received in Geneva, is profusely illustrated and attractively presented. There are various articles on the Society's current activities in Algeria and its extensive relief action for disaster victims, on the World Day celebration of May 1971 and the actions undertaken by the Algerian Red Crescent in Pakistan and Jordan, in addition to accounts of various Red Cross and Red Crescent meetings in Arab countries.

This number opens with an article, reprinted below, devoted to a particularly interesting action being carried out by the National Society, under the heading "Why the Red Crescent is engaged in the re-afforestation of the desert":

«The Algerian Red Crescent is at present carrying out a programme of re-afforestation in the desert. Operations began in 1965 in the Bou-Saada area, where 110,000 trees have been planted to date. A further stage of this project is in course of execution, involving the planting of 70,000 more trees.

The purpose of this "Green Front" operation is of paramount importance, because it consists in combating three fundamental features weighing heavily upon the living conditions of our populations in those regions which are being threatened by the advance of the sands of the Sahara, in other words, by impoverishment.

Operation "Green Front" therefore attacks the desert's progress and aims at the same time to reduce unemployment by the hiring of labour for the re-afforestation of land, the development

of market gardening zones and the creation of what is called a micro-climatic region.

*The advance of the Sahara.*—The extension of desert areas has often been compared, not inappropriately, to an infection of leprosy. At first, in the region attacked by the desert, small barren spots are observed here and there; they then develop progressively until such time when the entire area has become wholly unfit for cultivation. A similar phenomenon was observed in Morocco, where the plain between Tiznit and Agadir was dramatically transformed. The light soil that covered it was changed into a totally unproductive, arid waste. Sand was blown on the roads forming drifts which had to be cleared by gangs of workmen specially drafted for that task.

In order to understand the extent and the gravity of the problem raised by the encroachment of the Sahara, it must be realized that most people today agree that that whole region was, not so many centuries before, under vegetation.

Changes in climate on the one hand, and the indiscriminate grazing of the vegetation by goats and camels on the other, contributed greatly to the gradual impoverishment of the land and to the disappearance of the woods. The livestock fed on young trees and saplings and stopped all natural regeneration.

That is the reason why any project of re-afforestation must include plans as to requirements in food and animal feeds.

*The struggle to reduce unemployment.*—The projects set up by the Red Crescent in the areas on the edge of the Sahara have provided work for many unemployed. The jobs are carried out on a full-time principle and allow workmen to benefit from Red Crescent assistance in exchange for the work executed on the sites. Furthermore, the inhabitants participating in Red Crescent actions know that they will be the first to benefit from them, as their aim is the improvement of their very condition of existence. In this respect, it must be emphasized that a significant proportion of the Red Crescent programme goes to the establishment and development of market gardening. In other words, it is indeed a programme for the restoration of land the gains of which will flow to the inhabitants themselves.



*Creation of a new climate.*—It is common knowledge that green belts produce humidity, leading to the formation and condensation of clouds and to rainfall. At present, these cloud formations either pass over arid zones without falling as rain or else they evaporate. Hence, there is a constantly decreasing amount of rain in regions which, before anything else, require water in order that they might flourish and that animal and vegetable life might be possible under suitable conditions. But the volume of rainfall gets less as the desert encroaches upon the vegetation; consequently the disappearance of plants leads to the establishment of a drier climate. For, though rain is essential to the birth of vegetation, the latter in its turn plays a significant role in the conditions propitious for rainfall.

Trees, that is to say the creation of forests, help to reduce floods and to make better use of precipitations. When the earth is hard and dry, water quickly runs off the surface in torrential streams without being conserved by infiltration into the soil. Strong torrents rush down valleys, sweeping along everything in their path and often causing disasters.

Trees are therefore useful for the retention of soil and for the prevention of erosion. They furnish shelter for food and forage crops, stabilize hydrographic networks and produce humus.

The action carried out by the Red Crescent in this respect is therefore of great importance, although it is only a part of the extensive programmes set up by the authorities. »

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## Switzerland

The 86th general meeting of Swiss Red Cross delegates took place in Lausanne on 5 and 6 June 1971 under the chairmanship of Professor Hans Haug, president of the National Society.

Mr. Marcel A. Naville conveyed the ICRC's good wishes and delivered an address in which, after expressing the gratitude of the institution of which he is president, for the generous support which the Swiss Red Cross has unflinchingly given to the ICRC, he reviewed the various occasions on which the International Committee was

## IN THE RED CROSS WORLD

able to appreciate the effectiveness of that co-operation in international relief work, particularly in Jordan. He also mentioned another field, no less important, namely international humanitarian law and he referred to the work of the Conferences of Red Cross and government experts which were convened by the ICRC in The Hague and Geneva. He pointed out the significance of that undertaking for the protection of mankind and of basic human rights.

In his opening address, Professor Hans Haug outlined the current activities undertaken by the Swiss Red Cross in Switzerland and abroad. He quoted figures which testified to the constantly increasing duties of the Society, such as blood transfusion and the teaching of nursing. The annual report for 1970, recently published in Berne, shows a considerable increase in services provided by regional blood transfusion organizations. Blood donations rose from 249,562 in 1969 to 266,295 in 1970, an increase of almost 7%. Professional nursing services in 1970 broke new ground, as new schools for nursing assistants were opened and others were recognized by the Central Committee.

On the occasion of the general meeting, five doctors, four nurses and a nursing student held a round table discussion at which each discussed from his own point of view certain problems which arise today in the care of the sick. In this connection we might mention some of the ideas put forward by the director of a nursing school which may be of interest to those in charge of other nursing services. The Swiss Red Cross has carried out a useful experiment and several National Societies which are similarly placed will realize how worthwhile it was in these times when in many countries there is an acute shortage of nursing personnel.

Much is said today about the spectacular progress of medicine and it is generally the results achieved by surgery which are meant. On the other hand, not so much is known of the tremendous progress achieved in the rehabilitation of accident casualties, paralysis patients, the disabled and even of old people. Most of the time, however, such rehabilitation courses extend for weeks and even months, during which time the patients step by step approach cure thanks to the help and dedication of the teams of doctors, nurses, physiotherapists, ergotherapists, social workers and occupational consultants.

In 1961 the need to found a new category of professional nurses mainly to take care of these patients, in other words nursing personnel whose training had been oriented towards the administration of basic nursing, was recognized. As a result the Swiss Red Cross diploma was introduced for nursing assistants having completed such training. They have today become the indispensable assistants of nurses. The vocation of nursing assistant has attractions as, after 18 months of training, it gives access to a varied field of activity. Furthermore, it is available to middle-aged persons who wish to change their occupation in order to care for the sick.

Thanks to the introduction of that profession, the Swiss Red Cross has considerably broadened the basis of recruitment. Henceforth, nursing assistants will undoubtedly be appreciated as members of medico-social teams working outside the hospital, for home nursing, work in polyclinics and assistance to the elderly; for if we are to relieve our hospitals of some of their burden, we must attach importance to nursing outside the hospital. There are in Switzerland today 22 schools for nurses and nursing assistants; 18 are recognized by the Swiss Red Cross. This is incontrovertible proof of the extent of the need. So far 1,700 nurses and nursing assistants have been trained but many more will be required in the years to come.

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# M I S C E L L A N E O U S

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## PROTECTION OF AMBULANCE HELICOPTERS

*After recalling the radiant personality of the late Brigade-Colonel Hans Meuli, a former member of the ICRC, who had been Honorary President of the International Committee of Military Medicine and Pharmacy and founder of the international refresher course for junior medical officers, the International Review of the Army, Navy and Air Force Medical Services<sup>1</sup> publishes the papers presented by various eminent persons from different countries at the fifth session of the course which took place at Macolin in September 1970. Particular attention should be paid to one of these contributions, on the one hand, because it deals with matters concerning the Geneva Conventions, and on the other, because of the importance and topicality of the problem of medical aviation. The author is Surgeon Major-General E. Evrard (Belgium), and the most significant passages are given below:*

### THE GENEVA CONVENTIONS AND LEGAL PROTECTION OF AMBULANCE TRANSPORTS BY HELICOPTER IN ARMED CONFLICTS

The appeals outspoken by various legal associations or commissions have drawn attention to the problem of protection of the ambulance helicopter, which has great bearing to the functioning of the Medical Service in time of war.

Ambulance aviation was introduced into the Geneva Convention at the time of its 1929 revision. A special protective status was accorded to it. At that period, the term "ambulance aircraft" utilized in the text of the Convention referred in practice only to airplanes. The helicopter was not yet born.

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<sup>1</sup> Liège, 1971, No. 2.

The mass evacuation of wounded and sick persons by air is certainly one of the most important developments of the Second War in the medico-military field. No doubt, in military transport planes temporarily outfitted as ambulance craft making their flights with no reference to the requirements of the Convention, the medical staff and the wounded could not expect any guarantee of protection whatsoever in the course of transport.

At the time of the opening of the 1949 Conference assigned to prepare the revision of the Geneva Convention, the terminology covering ambulance aviation contained in the 1929 Convention was seen to have no more real practical importance.

Nevertheless, the same principles were again incorporated in the Conventions of August 12, 1949. It is true that a handful of fresh provisions sought to introduce a bit of flexibility.

In 1954, the French jurist, Paul de La Pradelle, declared: "Whether we wish it or not, as they now stand, the Geneva Conventions condemn the use of the helicopter in time of war. Article 36 is inapplicable to the case of the helicopter." (Bulletin International des Services de Santé, August 1945, pp. 376-380).

In certain recent publications, doctors and jurists have continued to call for a solution to this alarming situation.

A conception, tending to grant a particular status to the helicopter, would be of dubious value.

In addition, it would not be technically justifiable.

1st, it would be of dubious value because it would still further postpone the regulating of the status of ambulance aviation. Hence, it does not seem to us to be timely to set aside the general concept of the aircraft to enter into current technical particularities of one type of apparatus, on the pretext that its flying surface resolves and that it can "hover".

2nd, this notion of differentiation is not technically justified. The fact is that the inevitable re-adaptation of the status of ambulance aviation to current circumstances provided for the conduct of war touches on four essential points. These are precisely the ones where the texts in Conventions I and II are marked by gaps, by ambiguities and by imperfections. They refer not only to the *helicopter*, but to all *types of aircraft*.

## MISCELLANEOUS

They are:

*Gaps, ambiguities and imperfections in the present juridical status.*

a) *Definition of the protected apparatus.*

According to paragraph 1 of article 36 of Convention I, the benefit of protection is accorded to "aircraft exclusively utilized for the evacuation of wounded and sick persons as well as for the transport of ambulance personnel and equipment".

This formulation is ambiguous.

We must note the disproportion between the availability of the apparatus and the growing variety of missions which the General Staffs can assign to them in the conduct of a modern war.

The number of these helicopters used specifically and exclusively for medical purposes represents only a small percentage of the American helicopter fleet (61 out of 1000 helicopters).

It is to be presumed that most of the military Health Services, even if they have their own medical helicopters, will, above all in time of war to cope with all their evacuation requirements, have to count on multiple-use machines, convertible as needed to assume ambulance functions.

The future statute protecting the ambulance helicopter should remove all uncertainty by taking into consideration without ambiguity two categories of machines:

- a) converted military helicopters carrying out occasional ambulance missions, provided that they distinguish themselves during these ambulance missions by means of identification internationally accepted for that purpose. This category should at present be given priority, since it includes the greatest number of machines.
- b) Ambulance helicopters, specially and exclusively reserved for medical ends.

This polyvalent solution eliminates any ambiguity and takes into account the unbalance that will always be found between the number of helicopters available for the health service in a theatre of military operations, and the number of victims whose lives depend on prompt evacuation to a treatment unit or centre.

b) *Signalization and identification of helicopters on ambulance mission.*

In addition, interceptor plane attacks are no longer made at a short distance. The machine, of whatever sort it may be, is detected by radar, then identified as friend or enemy. Even it is visually recognized, the fighter plane starts its attack as soon as the machine comes within range of its weapons, well before it is possible to recognize the red cross or the white paint.

The range of radar detection and of repelling weapons in form of ground-air and air-air missiles renders this notion of identification by the red cross sign obsolete and untenable.

Recognizing the illusory and utopic nature of an identification solely based on the red cross painted on a white background, it is important to define now these other means of signalization or identification likely to be proposed at the time of a revision of the Convention.

For the plane, a review and study of the various existing means enabled us to choose an *indirect* visual means: a secondary radar of the IFF-SIF type. This means would enable aerial control stations operating for fighter interception and missile bases to instantaneously identify at great distances the aircraft on ambulance mission. Obviously, this system, which can only be expected to be effective at altitudes above 1,000 metres, would not be suitable for helicopters.

Fortunately for the latter, a direct visual means is enough, because of its low altitude travel.

The emission of luminous signals, whether by day or by night, at least triples the distance of detection and identification of an aircraft as compared to the distance based on silhouette and colour, given similar atmospheric conditions.

c) *Elimination of the prior agreement on the flight plan.*

d) *Practical delimitation of legal protection of helicopters on ambulance missions above the various zones of the theatres of operations.*

In the absence of specially reached agreement, ambulance helicopters or those on ambulance mission will not be allowed to fly over enemy territory or territory occupied by the enemy and the zone of contact of or with belligerent combat units. In case of flight over a forbidden zone, the helicopter will not be attacked, but may be summoned to alight.

## MISCELLANEOUS

In case of accidental or imposed landing on the above-mentioned territories or in neutral countries, ambulance helicopters in the strict meaning may only be seized on condition that they are utilized by the captor for exclusively medical purposes. The apparatus of International Institutions must be turned over to the latter along with their crews.

*Project for new juridical statute (code) for ambulance aviation.*

Recognizing gaps is one thing. Making constructive and coherent proposals to fill them is something else.

In order that a protective formula may have some chance of being applied in time of war, two things are indispensable.

a) *First, the confidence of the contracting parties* in an international statute protecting all forms of air ambulance missions, within certain fixed limits.

b) *Second, the concern felt by both belligerents to observe the laws of war and the international humanitarian conventions . . .*

. . . Despite the limits of our task, we believe that the text which has just been submitted to the International Red Cross Committee by the Medico-Legal Commission of Monaco, a text which, in its concise form, takes broadly into account the ideas and the realities here analyzed, will, in the long run, help us to reach a better solution, which is to say a more realistic solution to take care of the international legal statute of the ambulance helicopter within the framework of the Geneva Conventions.

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**GUERRILLA WARFARE IN SOUTH AMERICA  
AND THE FUTURE DEVELOPMENT OF THE LAW OF WAR**

*This is the title of an interesting survey recently submitted to the ICRC by Dr. Karl-Alexander Hampe of Bonn for publication in the International Review.*

*Although, owing to lack of space, we cannot publish the whole article, we do not wish to postpone any longer the publication of extracts by way of information. This is a very topical subject and furthermore it is on the agenda of Conferences which are today being organized to reaffirm and develop humanitarian international law applicable in armed conflicts.<sup>1</sup> These extracts are supported by bibliographical references, not all of which appear here.*

*We would, moreover, draw your attention to the article which we published in our March 1971 issue on recent humanitarian action taken by the Bolivian Red Cross to help guerrilleros.*

. . . Much has been written on the strategy, tactics, political aims and sociology of the revolutionary movement in the Third World. However, as often as not, the only idea concerning the status of the guerrilleros to be found in the works of authors dealing with guerrilla warfare is the following: wars of liberation are legitimate since their aim is progress and their purpose is to eliminate certain existing social structures and the established international order; consequently, acts of individual fighters must be considered to be legitimate. Therefore, in the struggle against «reaction» and “imperialism”, neither side would be bound by any hard-and-fast rules. Guerrilla warfare would not be covered by the existing legal order and each guerrillero would be compelled not to lay down his arms but to fight to the bitter end . . .

. . . In 1967, the Bolivian Minister of Foreign Affairs stated before the Twelfth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States that, with reference to the

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<sup>1</sup> See *International Review*, March and April 1971.

## MISCELLANEOUS

guerrilla war in Bolivia, the legal question arose as to whether captured guerrilleros and foreign agents were to be judged as nationals under the laws in force in the places in which the fighting took place and, in particular, whether they could be found guilty of high treason, rebellion or other crimes<sup>1</sup> . . .

In 1968, the Organization of American States adopted the following resolution:

### WHEREAS:

There is no international regulation specifically related to the various aspects of the juridical status of the subversive elements now called "guerrillas"; and

It is therefore desirable to study all the legal situations that may arise in connection with the juridical status of so-called foreign "guerrillas" in the territory of any member state,

### THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES RESOLVES:

To entrust the Inter-American Juridical Committee with making a detailed study on all the problems that may arise in connection with the juridical status of so-called foreign "guerrillas" in the territory of any member state and with remitting it to the Council so that it may transmit it to the governments for consideration.<sup>3</sup>

The following points arise from the examination of the legal status of those participating in revolutionary guerrilla warfare and from similar endeavours made during the forties as a result of the partisan movements and the resistance during the Second World War. The scope of international law currently in force should be broadened in order to cover the treatment of irregular troops. Furthermore, in Latin America the tradition of humanising war has remained alive. In the field of international law, Spanish authors such as Vitoria and Suarez have already defended the idea that the doctrine of the "just war" should be limited. An example of this attitude may be seen in the fact that all South American

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<sup>1</sup> XIIth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, meeting of 24.9.1967.

<sup>2</sup> Resolution of the Council of the Organization of American States adopted 19 September 1968 (OEA/Ser. G/III/C-sa-682 (5)).

Governments respect the diplomatic right of asylum for political refugees.

The trial of Debray was the first internationally noted example of penal procedure relating to participation in guerrilla warfare and the first to raise the question of the legal definition of acts of violence committed by guerrilleros. Are such acts of a political nature, are they acts of war, or should they be punished in accordance with the provisions of penal law?

Latin America is not alone in seeking to elucidate the problem raised by the legal aspects of guerrilla warfare and the limits to be placed on the repression of such warfare. In fact, there are numerous other parties and movements in many parts of the world which are organized from outside the country and which are in the same situation. . .

. . . It would be timely here to retrace briefly the evolution of the notion of guerrilla warfare. When Napoleon waged his campaign against Spain, voluntary "guerrilla fighters" or "guerrilleros", not belonging to the regular fighting forces, rose up against the French. During the war of liberation in Latin America, those who fought against Spanish domination all called themselves by a similar name. Irregular combatants, in other XIXth century wars, did not influence the tide of war to any considerable degree. However, resistance movements against the Germans (partisans, maquis, etc.) did play an important role during the Second World War, and were absolutely decisive in the Chinese civil war. All these armed encounters had one thing in common: they took place during a war. Guerrilla warfare is, then, one of the operations of war. Its methods, it is quite true, are different from those employed in conventional warfare but guerrilla war itself, nevertheless, falls within the ambit of war. That is why organized resistance movements have all been increasingly featured in the law of war, first in Article 1 (2) of the Hague Regulations on the Laws and Customs of War and then in Article 13 of the First and Second Geneva Conventions of 1949 and in Article 4 of the Third. As far as what one could call traditional guerrilla warfare is concerned, the law of war is applicable in its entirety, and in particular that part relating to the protection of prisoners and wounded. Only those guerrilleros not complying with

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the special conditions of the said regulations, that is to say illegal combatants who can be held penally responsible and even taken as war criminals, are not covered by those provisions<sup>1</sup> . . .

. . . At a time when the trend towards settling violent conflicts by guerrilla warfare has appeared as alternative to atomic warfare, the efforts of Latin American Governments call for the utmost attention. Terrorism opposes counter-terrorism, man becomes beast, events follow events, especially during revolutionary conflicts carried out in the form of guerrilla warfare, to such an extent that many are those who, for humanitarian reasons, would find an extension of the law of war desirable. There are some who would like to keep alive a state of guerrilla warfare in Latin America. It is still to be seen whether certain ideas will find practical expression, that is, the ideas of those in that part of the world who consider that it is necessary to grant legal combatant status to those who take part in guerrilla warfare (which takes place so to speak within a situation of non-international armed conflict) and that certain conditions and restrictions should be applied to such status.

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<sup>1</sup> Oppenheim-Lauterpacht, *International Law*, 7th Ed., p. 574; Strupp-Schlochauer, *Wörterbuch des Völkerrechts*. Vol. II, de Gruyter, Berlin 1961.

## BOOKS AND REVIEWS

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JEAN GRAVEN:  
"LE DIFFICILE PROGRÈS DU RÈGNE DE LA JUSTICE  
ET DE LA PAIX INTERNATIONALES PAR LE DROIT"<sup>1</sup>

This work, important both for the subject dealt with and for the author's erudition throughout the 600 pages, is dedicated to René Cassin. This is as it should be, since Professor Jean Graven, former rector of the University of Geneva, took for his inspiration the writings of the outstanding French jurist for whom international justice, peace through law and respect for human rights could make progress and little by little become reality only if jurists, philosophers, thinkers and sociologists made a change of outlook and structures possible by their influence toward that end upon world opinion. Hence the broad picture painted by Mr. Graven who traces sources and, in the final pages, reaches the contemporary period.

His research work is restricted to the Western world and evokes the first glimmer of a united mankind, the contribution of Christian teachings, and the efforts of those who, as far back as the 16th century, founded the law of nations. His section on the 19th century is particularly informative on the influences of nationalism, cosmopolitanism, pacifist socialism and the ideal of the struggle against war.

After this point in his masterly and monumental work, Mr. Graven devotes a full chapter entitled *La Convention de Genève et l'apport de la Croix-Rouge internationale* to Henry Dunant's work and its consequences. He analyses the scope and significance of the 1864 Convention, showing its importance in international humanitarian law and the part played by the International Committee of the Red Cross in drawing up that Geneva Convention and those which followed it. Several pages are given over to Gustave Moynier's contribution to this legal structure, to his projects for

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<sup>1</sup> Editions A. Pédone, Paris, 1970, 604 pp.

## BOOKS AND REVIEWS

the codification of the laws of war and for an international legal institution designed to prevent and repress breaches of the Geneva Conventions. Describing Red Cross action in various conflicts, including the 1870 war between France and Prussia, its work for the wounded and the prisoners, he states that in its effort to humanize the plight of war victims and to establish an international source of law, the work of the Red Cross was "one of the most productive ever accomplished".

In addition, Mr. Graven refers several times in the following chapters to that subject. He shows that at the Peace Conference in 1899 at The Hague "by a remarkable parallelism born of circumstances, the two movements for international treaties with a view to regulating and humanizing war, the Geneva and Hague Conventions, were brought together and to some extent united by a similar process". It is certain, however, that men of that period did not realize that a single idea of the law of war was dividing into two parallel currents which since then have remained apart. Later the author recalls the opinions put forward in certain quarters on "the death of the law of war" at the end of the First World War, which was shown to be wrong by the Second World War and the efforts exerted to humanize conflicts. Mr. Graven concludes his work, so packed with facts and convincing observations, with reference to the most important problem of the day, the problem of peace. With the laws of humanity giving way to violence, he says, no one must be content to submit. This guarded optimism also emerges in the concluding words of the book: "The old adage *si vis pacem para bellum*, justified in primitive societies in which man was as a wolf to his neighbour, as Hobbes reminds us, but which, urging men to arm themselves more and more, resulted in an accumulation of wars without ever bringing lasting peace, must give way to another rule of conduct—and it seems that the 'last moment' is upon us—namely, if you want peace you must above all not prepare for war but endeavour to find out the causes and to assess all the consequences of war in order at last to avoid it and to preserve the future of generations to come. In other words, prepare peace with charity, hope, faith and the determination of cathedral builders if those qualities still exist."

J.-G. L.

EXTRACT FROM THE STATUTES OF  
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

(AGREED AND AMENDED ON SEPTEMBER 25, 1952)

ART. 1. — The International Committee of the Red Cross (ICRC) founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

It shall be a constituent part of the International Red Cross.<sup>1</sup>

ART. 2. — As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be “ Inter arma caritas ”.

ART. 4. — The special role of the ICRC shall be:

- (a) to maintain the fundamental and permanent principles of the Red Cross, namely: impartiality, action independent of any racial, political, religious or economic considerations, the universality of the Red Cross and the equality of the National Red Cross Societies;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;

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<sup>1</sup> The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term “ National Red Cross Societies ” includes the Red Crescent Societies and the Red Lion and Sun Society.

- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties;
- (e) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (f) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (g) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any questions requiring examination by such an institution.

ART. 6 (first paragraph). — The ICRC shall co-opt its members from among Swiss citizens. The number of members may not exceed twenty-five.

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# THE GENEVA CONVENTIONS OF AUGUST 12, 1949<sup>1</sup>

## Some publications

	Sw. fr.
<b>The Geneva Conventions of August 12, 1949.</b> 2nd Ed. 1950. 245 pp.	9.—
<b>Commentary</b> published under the general editorship of Mr. J. Pictet, member of ICRC:	
— <b>Vol. 1:</b> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field — 466 pp.	
bound	18.—
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### Transparencies:

Third series of drawings (1970) by Claude Falbriard, illustrating the applica- tion of the Geneva Conventions. Twenty colour slides, 24 x 36 mm. with comments . . . . .	18.—
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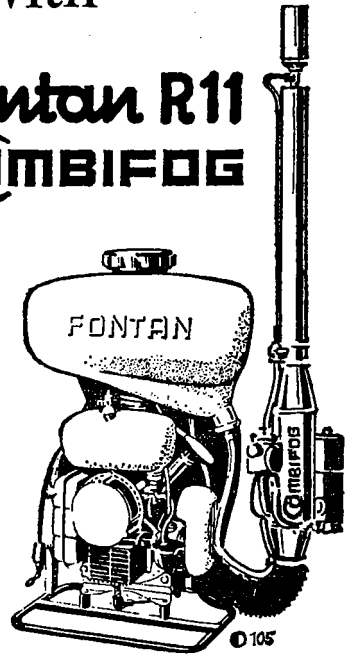
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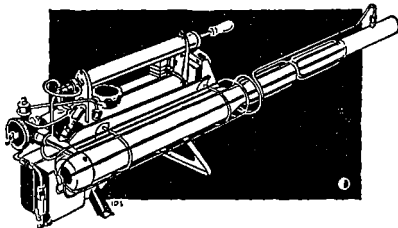
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- SOUTH AFRICA — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg*.
- SPAIN — Spanish Red Cross, Eduardo Dato 16, *Madrid, 10*.
- SUDAN — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWEDEN — Swedish Red Cross, Artillerigatan 6, 10440, *Stockholm 14*.
- SWITZERLAND — Swiss Red Cross, Taubenstrasse 8, B.P. 2699, 3001 *Berne*.
- SYRIA — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA — Tanganyika Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND — Thai Red Cross Society, King Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO — Togolese Red Cross Society, Avenue des Alliés 19, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO — Trinidad and Tobago Red Cross Society, 48 Pembroke Street, P.O. Box 357, *Port of Spain*.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis*.
- TURKEY — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala*.
- UNITED ARAB REPUBLIC — Red Crescent Society of the United Arab Republic, 34, rue Ramses, *Cairo*.
- UPPER VOLTA — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre, 2990, *Montevideo*.
- U.S.A. — American National Red Cross, 17th and D Streets, N.W., *Washington 6 D.C.*
- U.S.S.R. — Alliance of Red Cross and Red Crescent Societies, Tcheremushki, J. Tcheremushkinskii proezd 5, *Moscow W-36*.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM (Democratic Republic) — Red Cross of the Democratic Republic of Viet Nam, 68, rue Bà-Triêu, *Hanoi*.
- VIET NAM (Republic) — Red Cross of the Republic of Viet Nam, 201, duong Hồng-Thập-Tu, No. 201, *Saigon*.
- YUGOSLAVIA — Yugoslav Red Cross, Simina ulica broj 19, *Belgrade*.
- ZAMBIA — Zambia Red Cross, P.O. Box R.W.1., Ridgeway, *Lusaka*.