GENERAL INTRODUCTION
AND GUIDE TO DOCUMENTATION

1. The Development of Humanitarian Law

1.1. The two Protocols additional to the Geneva Conventions adopted in 1977 constitute a further step in the development of the so-called “Law of Geneva”, which originated on 22 August 1864 when the first Convention for the protection of the wounded was signed in the city.1 This first treaty on humanitarian law has since then been revised and amended from time to time in order to adapt the law to changing needs and to the changing nature of armed conflicts, to extend it further, to fill loopholes and to remedy deficiencies. After an unsuccessful attempt in 1868,2 the Hague Conference of 1899 adopted rules of naval warfare corresponding to the Geneva Convention3 (the application of which was limited to land warfare). The 1899 Naval Convention was further developed in 1904.4 In 1906, the Geneva Convention was revised and replaced by a new one.5 The corresponding rules of naval warfare were also revised in 1907 and became the Hague Convention no. X.6

1.2. The experiences of World War I led to a further Conference being held at Geneva in 1929. Two Conventions were concluded, one on Wounded and Sick on Land, the other on Prisoners of War.7 The latter Convention constitutes the first step in a development which has continued ever since, namely the transfer of the so-called Hague Law, the Hague Conventions on the Law of Warfare, into the Geneva Law.

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2 Additional Articles relating to the Condition of the Wounded in War, Schindler/Toman, op. cit. p. 217. These Articles were never ratified by any State.
3 Convention (III) for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 22 August 1864, Schindler/Toman, op. cit. p. 221.
4 Convention for the Exemption of Hospital Ships, in Time of War, from the Payment of all Dues and Taxes imposed for the Benefit of the State, Schindler/Toman, op. cit. p. 217.
6 Convention (X) for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention, Schindler/Toman, op. cit. p. 245.
7 Schindler/Toman, op. cit. p. 257 and 271.
1.3. The painful experiences of the World War II led to a complete renegotiation of the Geneva Law: in 1949, four Conventions were concluded: the First on Wounded and Sick on Land, the Second on Wounded, Sick and Shipwrecked at Sea, the Third on Prisoners of War and the Fourth on the Protection of the Civilian Population. Further elements of the Hague Law became part of the Law of Geneva, particularly in the case of the Fourth Convention.


But the regulation of the methods and means of combat had remained unchanged since the Hague Conference. The protection of the civilian population against the ever growing effects of modern weaponry was not tackled by codifications undertaken after World War II. The first attempt to remedy this situation was made in the “Delhi Rules”, submitted by the ICRC to the Red Cross Conference held in New Delhi in 1957. The negative reaction of Governments stopped that effort, for the time being.

Meanwhile, new types of armed conflicts developed: guerilla warfare, especially in wars of national liberation became a prominent feature.

2. The Preparation of the Diplomatic Conference

2.1. A new era in the attempts to update the law of armed conflict was initiated by Resolution XXVIII of the Red Cross Conference held in Vienna, 1965, concerning the “Protection of Civilian Populations Against the Dangers of Indiscriminate Warfare”. The movement gained further momentum due to the problem of “human rights in occupied territories” posed by the Middle East conflict. In May 1968, the International Conference on Human Rights held in Teheran adopted Resolution XXIII on “Human Rights in Armed Conflict” which asked the General Assembly to instruct the Secretary-General to study this question. Since then, the General Assembly has passed a number of resolutions on this matter, thus