THE LAWS OF HUMANITY

Ugo Genesio
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INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW
FORTY YEARS OF ACTIVITY

Ugo Genesio

(Translated from Italian to English by Shirley Morren, IIHL librarian)
The International Institute of Humanitarian Law is a non-governmental organisation officially recognised by the United Nations, UNESCO and the Council of Europe, with headquarters in Sanremo.

Created fifty years ago the aim of the Institute is the promotion and dissemination of international humanitarian law and human rights in general and particularly in emergency situations (armed conflict, refugees, forced migration, natural disasters). Thanks to its specific and well-proven experience acquired over years of uninterrupted activity, the Institute enjoys international recognition as a centre of excellence in the field of training, research and dissemination of all aspects of humanitarian law.

The Institute regularly runs courses on the law of armed conflict for Officers from all corners of the earth, on refugee law for government officials and international bodies, and on migration law. Moreover, it offers conferences and seminars on specific topics to promote dialogue between government representatives and international organisations, along with individual experts.

In keeping with its objectives, the Institute works in close contact with the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, the International Organization for Migration and other international bodies committed to the humanitarian cause.
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The year 2020 marks the 50th anniversary of the International Institute of Humanitarian Law (IIHL). The Institute was founded in 1970 by a group of distinguished lawyers, at a time when the international community was launching a new diplomatic initiative aimed at the enforcement of international humanitarian law by the adoption of new multilaterally binding instruments.

In these 50 years, the Institute, seated in the prestigious Villa Ormond in Sanremo, has built a solid reputation in the field of the teaching of international humanitarian law (IHL). It has organised hundreds of courses with more than 15,000 participants including Officers of the armed forces of 189 countries, diplomats, representatives of international organisations, and personnel of the Red Cross and Red Crescent Movement.

To support its activities the Institute created a Military Department with a specialized teaching staff. Since its creation, the Military Department has delivered courses focused on the law of armed conflict in English, French, Spanish, Portuguese, Arabic, Russian and Chinese. The training is structured in three levels: foundation courses, advanced courses, and workshops on specific issues such as Targeting and Naval Operations. The Military Department also organises an annual competition on international humanitarian law for Military Academies, a one-week event open to teams of Cadets from military academies across the world. In 2019, on the eve of its 50th anniversary, the Military Department delivered a total of 23 courses involving 711 participants from 107 countries. Courses are conducted primarily by military professionals and offer the opportunity for participants and

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1 - Presentation to this edition (2021)
2 - President of the International Institute of Humanitarian Law (2019-)
instructors to exchange views and experiences in a neutral environment. The atmosphere created fosters the so-called “Spirit of Sanremo”, the true “added value” of the training activities of the Institute.

In the last 30 years, the Institute has also developed a new field of interest, namely refugee law and migration. With the formation of the International Refugee Law and Migration Law Department, the Institute has launched courses on these two branches of law which today represent a most sensitive and important part of international law.

The first Refugee Law course was held in 1982 and in 2019 the Department organised and delivered its 100th Refugee Law course with a particular focus on the Global Compact of Refugees. In the same year, the Department held courses on international refugee law, internal displacement, statelessness, and migration for more than 600 mid and senior-level government officials, members of civil society and international organisations, as well as academics, from 124 countries. The demand for the courses is high and is increasing from year to year. In 2019 alone more than 2,000 applications were received. During the first months of 2020, an average of 200 candidates applied for each course announced. Most of the applicants learn about the workshops from former participants who highly recommend them.

The September Round Table has become a traditional annual opportunity to gather academics, scholars, diplomats, military, and Red Cross officials to discuss a programme addressing the most relevant issues and challenges in IHL.

A Summer Course – with teaching activities both in Sanremo and Geneva – offers a further opportunity to discuss the challenges of IHL and its current developments.

In these 50 years, the Institute has also produced a number of publications, some of which are very well known around the world: the Sanremo Manual on International Law Applicable to Armed Conflicts at Sea which has become a unique reference book worldwide; the Sanremo Handbook on the Rules of Engagement, translated into French, Spanish, Russian, Arabic, Chinese, Bosnian, Hungarian and Thai; the UNESCO Military Manual on the Protection of Cultural Property (a joint IIHL/UNESCO venture), translated into French; and the Sanremo Manual on Integrating Gender Perspectives into International Operations which has been translated into French, Spanish, Russian, Italian, Arabic and Russian.
Considering its 50 years of activity, the international Institute of Humanitarian Law has earned the reputation of being a centre of excellence playing a vital role in the training of military and civilian personnel in international humanitarian law, refugee and migration law, disaster law, and human rights law.

Ugo Genesio was one of the founding members of the IIHL, to which he devoted 30 years of his life in his pivotal position as Secretary-General. The Institute has great pleasure in publishing the English translation of his book, originally in Italian (Le leggi dell’umanità), and extend its dissemination to a wider public.

The book narrates the origin and the history of the Institute, introducing the reader to the intentions of the founding members and the steps taken by the Institute as it develops into a centre of excellence in training and research. The book brings to life the crucial years of the Institute and highlights the importance of carrying on its tradition in full compliance with its mandate, as expressed in its Statutes.

The Institute’s 50th anniversary occurs at a very challenging time, in the presence of a terrible pandemic (Covid 19) which is already radically changing our way of life. While celebrating this important anniversary, the Institute is bravely adapting to the challenges of transforming its on-site courses to online training methodologies. However, even if its activities and the way they are carried out may have been deeply affected, the “Spirit of Sanremo” remains the cornerstone of the Institute.

Ugo Genesio was deeply committed to the objectives of the Institute and through his book, “The laws of humanity”, he gives voice to the dedication of all those professionals who, in the Institute’s first 40 years, devoted their time and knowledge to its activities and to the promotion of its core values, namely, the defence of the fundamental human rights of all those exposed to violence and abuse particularly in situations of war.
The International Institute of Humanitarian Law, Sanremo is approaching its 40th anniversary.

Ugo Genesio, together with the Mayor, Francesco Viale, and a small group of talented lawyers from various countries who have since all passed away, was one of the courageous promoters of this organisation which is now known all over the world and effectively reflects the international vocation of this city of peace.

Ugo Genesio acted as Secretary-General of the Institute for thirty years, and he played this role while following a brilliant career as a judge. In this publication he carefully reconstructs the origins and the history of the Institute drawing from precise personal memories and resources, sometimes unedited, from the archives. His articulated and thorough account of the facts fills a gap that had been evident for some time and aims at highlighting the importance and role of an institute that has gained international recognition as a centre of excellence in the sphere of training and research in the subject of international humanitarian law and related issues.

The creation of the International Institute of Humanitarian Law in Sanremo, just a few months after the birth of the Institut international des droits de l’homme in Strasbourg, certainly helped to valorise the special branch of international law that, in the past decades, has acquired growing relevance and autonomy, and has aimed to protect fundamental human rights and the dignity of the individual in situations of armed conflict. Nowadays, it is a great challenge considering how globalised the world has become. Conflicts are on the rise and present new kinds of aggression and

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1 - Presentation of 1st edition (2009)
2 - President of the International Institute of Humanitarian Law (2007-2011)
violence not only against military targets but also against innocent victims, their homes and places of daily life.

Over the centuries, Sanremo and Western Liguria have served as a traditional crossroads for international exchanges and meetings. As the author recalls, Villa Nobel, the first headquarters of the Institute, hosted a series of informal meetings promoted by the Institute. Such meetings enabled solutions to be found to issues arising from the negotiations, held in Geneva between 1974 and 1977 in the framework of the “Diplomatic Conference on the reaffirmation of the development of international humanitarian law applicable to armed conflicts”, under the auspices of the International Committee of the Red Cross (ICRC), in the elaboration of the Protocols additional to the Geneva Conventions of 1949. The spirit of Sanremo, characterised by informal meetings, patient efforts, personal contacts, was taking shape, earning the appreciation of the international community that was becoming more and more attentive to humanitarian themes.

Since then, fruitful collaboration began to grow between the Institute and the ICRC, also evident in the joint organisation of the annual round table at the end of the summer months, dedicated to the in-depth study of current problems of international humanitarian law. Originally, such events took the form of meetings with a limited number of eminent international lawyers taking part. Now, the Sanremo Round Tables enjoy international acclaim and provide an important venue where government representatives and representatives of international institutions, members of the academic and diplomatic spheres and military Officers from all continents.

Over the years, besides its relationship with the International Committee of the Red Cross, the Institute has established constructive collaboration with other international organisations including: the United Nations High Commissioner for Refugees (UNHCR); the International Organization for Migration (IOM), the Council of Europe, the European Union, NATO, and the organisation internationale de la francophonie (Oif).

Since 1970, the courses of the Institute have attracted thousands of people. The main topic of international humanitarian law has been extended to include international migration law and refugee law.

In the meantime, the Institute has found permanent and respectable premises at the prestigious Villa Ormond and has now a Council whose members are eminent personalities from legal and diplomatic circles coming from different countries.
For many years, Ugo Genesio gave his personal and decisive input to these developments. He applied his passion, his professionalism and admirable dedication in times of initial incomprehension, often in difficult conditions, to assure the credibility and authority of the Institute on both a national and international level. In recognition of these merits the Council decided to make him an honorary member of the Institute last year.

On the eve of the Institute’s 40th anniversary, I believe that it should be grateful to Ugo Genesio for his intelligent contribution.

Turning the pages of this book, which is full of interesting information and photos, it is clear that Italy and Sanremo have valid reasons to boast of the work undertaken by the International Institute of Humanitarian Law in the service of the most authentic human values, namely, the defence of the dignity of the person before unjust abuse of power and unnecessary violence of war.
FOREWORD\textsuperscript{1}

\textit{Cornelio Sommaruga}\textsuperscript{2}

For a long time, international humanitarian law was considered the poor relative of international law. This is unfortunate as the protection and assistance of war victims, with the appearance of the First Geneva Convention, under the protective emblem of the Red Cross, have been based on the Geneva law since 1864.

The International Committee of the Red Cross, of which I was President for nearly 13 years until the end of 1999, considers the Sanremo Institute as a precious instrument in the dissemination of humanitarian law in different spheres, and essential in filling the gaps in the knowledge of such law also among politicians and eminent lawyers.

The existence of the Institute was essential during the difficult negotiations to develop international humanitarian law at the Diplomatic Conference held in Geneva in the period 1974-1977: the final drafting of the two Additional Protocols owes a lot to the compromises negotiated in Sanremo in the shade of Villa Nobel.

Therefore, this volume of documents and photographs provides a welcomed occasion to celebrate the 40\textsuperscript{th} anniversary of the International Institute of Humanitarian Law. No better person than Ugo Genesio, renowned Italian magistrate, Secretary-General of the Institute for 30 years, could have collected all the necessary information with such dynamic dedication, and comment so knowledgeably on the life of this precious institution, with all its ups and downs. The reader discovers the extent of the activities of the Institute: its research, its round tables, seminars, courses for military Officers, conferences, informal meetings. Such activities continue to represent the strong points of the Institute, making it famous all over the world.

\textsuperscript{1} - Foreword to 1\textsuperscript{st} edition (2009)

\textsuperscript{2} - Honorary Member of the International Institute of Humanitarian Law and former President of the International Committee of the Red Cross.
This is true not only within spheres close to the ICRC, but also, more generally speaking, within law faculties worldwide, the Ministry of Foreign Affairs and the Ministry of Defence, international humanitarian organisations (both governmental and non-governmental), the national societies of the Red Cross and Red Crescent and within the Magen David Adom, not forgetting its collaboration with the high commands in the armed forces.

Therefore, as honorary Member of the Institute, it gives me great pleasure to congratulate my colleague and friend, Ugo Genesio, for this extraordinary contribution to the history of modern international humanitarian law: yes, because Sanremo has in effect shaped history!
The story of the Institute began one evening in May 1969 at Varenna on the shores of Lake Como. On that occasion experts from different countries were participating in a conference on human rights in the beautiful Villa Monastero. The imminent creation of an international institute of human rights in Strasbourg had been announced and the idea of giving life to something similar in the field of international humanitarian law came about.

We discussed this idea around the table at lunch time and later while strolling in the park down the little pathways leading to the lake: there was myself, Judge Giancarlo Lombardo from Milan and chairman of the conference, Professor Jovica Patrnogic from Yugoslavia and Tudor Popescu from Romania. Attempts were made to give more shape to the idea of forming a possible centre in Italy: why not Sanremo with its worldwide reputation and acknowledged vocation for peace and international relations?

Sanremo, with its exceptional climate, attracted elite tourism from Europe between the end of the 19th century and the beginning of the 20th century, giving it an important international role as host to knowledgeable people from political, aristocratic, cultural and economic circles coming from different countries. Heads of States and governments, ministers and diplomats were able to enjoy the luxury and discreetness of its villas and grand hotels while holding their frequent meetings.

Furthermore, the great Swedish scientist, Alfred Nobel, spent the last years of his life in Sanremo where he wrote his famous will leaving his assets to finance the creation of an annual peace prize. This prize was to be awarded to persons who had done the greatest service to humanity in the various sectors of science and, particularly, to those who had done “the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses”.

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1 Opening line of the famous Italian historic novel, “The Betroved” (I Promessi Sposi), written by Alessandro Manzoni and first published in 1827
At the end of World War I, in April 1920, Sanremo was the very venue of one of such peace conferences. The main issues addressed were those regarding Turkey that had not been settled by the Treaty of Versailles: this venue witnessed the internationalization of the Straits, the allocation of mandates in the former Turkish territory, the definition of the present day borders of Middle Eastern States, and the determination of the areas of influence for the exploitation of the petrol zones. Later on, in 1926, Mohammed VI, the last sultan, died in Sanremo, marking the end of the dynasty of the Ottoman Empire.

There is also another event that is little remembered that links the name of the city to a historical attempt to avoid the outbreak of the Second World War. At the beginning of September 1939, as a reaction to the German threat of military intervention in Poland, the Italian Government took the initiative by holding a conference for the European powers giving them the opportunity to define the problem of Danzica along with other unsolved issues, particularly concerning the economy. According to the Italian proposal, the conference should have been held in Sanremo. Unfortunately, and despite unanimous consensus in favour of the project, the condition that was adamantly laid down by Great Britain, whereby the German troops were to retreat first of all, was not accepted by Germany. In the meantime, Germany had entered Polish territory.

But if we put these factors aside, I think the reason why Sanremo was finally chosen to host the future Institute was mainly because I was working at the law courts in the same town at that time. I had in fact been transferred from Milan two years previously on my request.

In addition to my civil court hearings on Wednesdays, I set to work to present our project to Silvio Dian, President of the local law society, and Erino Lombardi, both highly qualified, perceptive and courageous jurists. They encouraged me to talk to the Mayor, Francesco Viale, who was also a lawyer. The Mayor was very enthusiastic and offered to convene a meeting in Sanremo to discuss the initiative thoroughly and decide on the preliminary steps to be taken for its realization. He asked me to prepare invitation letters in his name.

The meeting, chaired by the Mayor, was held on the premises of the town hall in Palazzo Bellevue from the afternoon of 19th December to the morning of 20th December 1969. Lombardo, Patrnogic and Popescu were
present, and Etienne Boeri, Secretary-General of the Red Cross of Monaco together with Friedrich Wendl, Austrian Red Cross Adviser, joined in later. The United Nations European Office in Geneva, the Council of Europe and the International Committee of the Red Cross, who had all been previously informed, gave their valuable support. The participants established a promoting committee for the emergent Institute of which the Mayor was nominated President and I was nominated secretary.

The decision to organise a congress to mark the creation of the Institute was made. The Congress would aim at highlighting the interdependency and common denominator of the normative system of humanitarian law and human rights law. It would be held in Sanremo under the auspices of the local authorities with representatives of the major international organisations, and well-qualified personalities would be invited. The Municipality of Sanremo would be responsible for the secretariat of the Congress, logistics and postage expenses.

The Members of the promoting Committee became very busy with the preparations for the Congress and, at the proposal of Mayor Viale, Paolo Rossi, a constitutional judge, was soon called to be president. Paolo Rossi was born in Bordighera where his white villa overlooking the sea is still visible on the edge of the old part of the town. He used to teach penal law in Pisa and then in Genoa. Elected member of the Constituent Assembly in 1946, he took part in the Committee of 75 and then in the more restricted committee which co-ordinated the drafting of the text of the Italian Constitution. He was also a member of parliament in the first four Republican governments and Minister of Education in the first government led by Antonio Segni.

Giancarlo Lombardo, Counsellor of the Court of Appeal in Milan, who spoke with a pronounced German accent having spent his youth in Germany where his father had been an Italian Consul, was a particularly active and motivated expert in the field of human rights. He was full of resourcefulness although his strength lay in the elaboration of important ideas rather than putting them into action. The innumerable suggestions he made were nevertheless of great value.

Jovica Patrnogic, former Dean of the Faculty of Jurisprudence in Pristina, Kosovo and then professor at the University of Skopje in Macedonia, was particularly knowledgeable as an international legal expert. He had also been the Secretary-General of the Yugoslav Red Cross and this experience
sharpened his already high perception of issues of humanitarian law. He had recently moved to Geneva to teach at a local university, and from there he was able to foster relations with the various international organisations on behalf of the promoting Committee.

Tudor Popescu, a distinguished professor teaching at the University of Bucharest, and the Romanian representative at Unidroit (International Institute for the Unification of Private Law), had been permanently relocated to the Rome Institute in Via Panisperna, where he could easily be contacted; his position proved to be particularly useful in relations with East European countries.

Dr Boeri facilitated relations with the Red Cross. The short distance between Monaco and Sanremo furthered intense contacts leading to regular collaboration in the preparatory stages of the Congress, particularly concerning correspondence and the elaboration of texts in French which he diligently edited with great elegance and style.

Inexplicably, Dr Wendl's collaboration soon wavered despite his initial enthusiasm during the preliminary meeting in Sanremo where he even proposed a draft statute for the future Institute.

In that period, the technical and organisational assistance of the Municipality of Sanremo was very important. Its Secretary-General, Francesco Colotta, did not hesitate to offer me his office, telephone, secretariat and cyclostyle machine (in those days photocopying machines were very rare). However, most of the preparatory work was done with the help of a part-time secretary in a small room on the premises of the tourist board in Palazzo Riviera, where President Rinaldo Ferrero welcomed us with his usual courtesy making life much easier.

The Congress was scheduled for the period 25th to 27th September 1970. At the time, Sanremo had the highest number of cinemas (10) and cinema goers in relation to the number of local inhabitants in Italy but there was no real space to hold Congresses which were generally held in hotels or in the small theatre of the local casino. Our Congress needed to “invent” a rather unusual location, namely, the gym at the Secondary School Cassini. The premises were adapted as much as possible to meet the demands of an important international meeting (the school holidays used to stretch until the end of September). The local technical team had quite a big job to do.

The Congress, entitled “Human rights as the basis of international
humanitarian law”, was held under the auspices of the President of the Republic, Giuseppe Saragat. The Committee of honour included all the high-ranking State officials from Fanfani and Pertini, presidents of the Chambers, to the president of the Council, Emilio Colombo. There were also ten ministers, from President Branca from the Constitutional Court to the highest levels of the judiciary; members of the regional and local authorities; and the most important representatives of international organisations, from the United Nations to the FAO, from the European Council to the European Parliament, from the European Economic Community to the Court of Justice of the Community. The Scientific Committee was made up of 56 scholars and experts from 23 different countries. Cardinal Villot, Secretary of State, read out a message from His Holiness, Pope Paul VI, whereby His Holiness emphasised that the recognition of the human dignity of all members of the human family along with their inviable rights, was the foundation of liberty, justice and peace in the world.

More than one hundred participants from 26 different countries attended: 12 governmental representatives, 18 non-governmental organisations and 9 national Red Cross and Red Crescent societies. There were also many eminent personalities from the academic or political field and representatives from several international bodies.

Arthur H. Robertson, Head of the Council of Europe’s Division of Human Rights, was the main speaker at the Congress. Specific subjects were addressed by G.I.A.D. Draper, Professor at Sussex University, former prosecutor during the Nuremberg trials; our very own Jovica Patrnogic; Paul de la Pradelle, one of the greatest French experts, Director of the Institute of Political Studies at the University of Aix-en-Provence; Ambassador Adolfo Maresca, Head of the Diplomatic Disputes Office.
of the Ministry of Foreign Affairs.

Important presentations were made by Sean MacBride, President of Amnesty International; by Filippo Gramatica, the criminologist from Genoa; by Louis Pettiti, the renowned French jurist; by George Schwarzenberger, the English internationalist; and numerous other experts of worldwide acclaim. The most important presentations were given by Henri Rolin and Giuseppe Sperduti, respectively President of the European Court, and Vice-President of the European Commission for Human Rights of the United Nations, and Maxime Tardu from the Human Rights Division of the United Nations. The International Committee of the Red Cross was represented by its Vice-President, Jean Pictet.

In the final stages of the proceedings a document entitled “Declaration of San Remo” was unanimously approved. Besides reaffirming fundamental legal principles to safeguard the human being, this document encouraged initiatives aimed at updating and harmonizing existing international norms in this field as well as the revival of projects favouring their application. Calling to mind the obligation of States to refrain from using force in their international relations, and reaffirming the conviction that the observance of the rules was essential to the peaceful co-existence of peoples, the document particularly emphasised the principle that parties, to whatever kind of conflict, do not have an unlimited right in the choice of means of attack as they must always make a distinction between combatants and civilians. Moreover, it recommended that breaches of the rules contained in humanitarian conventions should be sanctioned by impartial international tribunals. This document was published in its entirety as an attachment to the Report of the UN Secretary-General, U Thant, which was presented at the United Nations’ XXVI General Assembly addressing the subject of Respect for Human Rights in Armed Conflicts.²

² Doc. A/8370 of 5th October 1971
II - Calling to mind the obligation incumbent upon all States in their international relations to refrain from resorting to threats or the use of force and to settle their differences peaceably.
- Whereas respect for the individual human being constitutes the very foundation of the rules of international humanitarian law and of the international rules guaranteeing the protection of human rights.
- Whereas the faithful application of these rules is essential to safeguard the peaceful co-existence of human beings.
- Whereas, consequently, their violation is a matter which is outside the domestic jurisdiction of the State.
REAFFIRMS - That the belligerents in international or internal armed conflicts do not enjoy an unlimited choice of means to inflict harm on the enemy.
- That it is unlawful to launch attacks against the civilian population as such.
- That a distinction must at all times be made between combatants and the civilian population so that the latter may be spared as far as possible.
- That the general principles of the law of war apply to nuclear weapons and the like.
URGES - That violations of the rules contained in conventions of a humanitarian nature be penalised by impartial international tribunals.
- That, at the very least, observance of the rules governing the exercise of the rights of a protecting power be improved so as to allow injured parties direct access to an international authority, such as that represented by a United High Commissioner for Human Rights, which should be set up without further delay.
II - Believing that the Geneva Conventions of 1949 constitute a vital step forward in the evolution of international law.
RECOMMENDS - That all those who are interested in the progress of international humanitarian law, including international organisations and scientific institutions active in that sphere, and especially the San Remo International Institute of Humanitarian Law, should strive first and foremost to set themselves specific aims on which to concentrate their efforts, in particular:
3. The preparation of draft protocols relative to Article 3 of the said Conventions and bearing on:
   a) the competence of impartial authorities, such as the International Court of Justice, to establish, in application of this article, the existence of an armed conflict.
   b) the distinction between acts governed by the law of war and crimes committed against innocent parties, such as the unlawful seizure of aircraft in flight, the taking of hostages and the violation of diplomatic immunity, which render their perpetrators unworthy of the treatment accorded to combatants or political refugees.
4. The improvements of efforts to foster in the public better knowledge of, and greater respect for, the existing rules of humanitarian law, with the help of the most advanced technological methods, including in particular the computerising:
   a) of national and international provisions relating to the laws of war and of the rules penalising their infringement.
   b) of national and international judgements against those who contravene such provisions.
5. The revival of proposals aimed, following the lines laid down by the European Convention on Consular Functions, at promoting respect for the rules of international humanitarian law.
6. The consideration of means of providing free legal aid to persons deprived of the consular protection of their countries of origin.
The proceedings of the Congress and its final declaration received wide scale coverage from the Italian and international press as well as specialized periodicals. Such proceedings were collected and published by the *Istituto editoriale ticinese* (Grassi, Lugano-Bellinzona) in an elegant volume of almost 400 pages, with a preface written by Princess Ashraf Pahalavi, President of the United Nations Human Rights Commission. The publication is very difficult to find now.

During the proceedings, on the afternoon of 26th September to be exact, Lawyer Giacomo Tomat delivered his presentation whereby the International Institute of Humanitarian Law was officially constituted as a non-profit association committed to the promotion, dissemination and development of humanitarian law operating at all levels to achieve such goals.

The 34 people who became members of the Association were considered founding members and came from 13 different countries: Austria, Belgium, France, Germany, Great Britain, India, Iran, Italy, Yugoslavia, the Principality of Monaco, Romania, the United States of America, and Sweden.
The newly-elected Mayor of Sanremo, Guido Pancotti, was the first to sign. Paolo Rossi was elected President with Etienne Boeri and Giancarlo Lombardo as Vice-Presidents, and Ugo Genesio as Secretary-General. The constitution of the Institute was officially announced at the Congress by Professor Jean Craven, Dean of the University of Geneva.

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<td>Silvio DIAN, Italy</td>
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<td>Adolfo MARESCA, Italy</td>
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<td>Enzo MERIGGIOLA, Italy</td>
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<td>Pietro MERLO, Italy</td>
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<td>Alessandro MIGLIAZZA, Italy</td>
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Photo 9 – Founding Members of the Institute
In December 1969, as already mentioned, René Cassin founded the \textit{Institut international des droits de l’homme} in Strasbourg using the Nobel Prize money he had been awarded the year before by the Norwegian Parliament. As a young man, René Cassin, who was already teaching at the University law faculties of Aix-en-Provence and Marseille, was seriously wounded fighting in World War I. He was deeply influenced by such an experience and for the rest of his life he was a fervent crusader for war victims and a great fighter for peace.

In 1940, Cassin left France, which was occupied by Germany, and joined General De Gaulle in London, becoming his legal adviser and one of his closest collaborators. When France was liberated, he became member of the Constitutional Council and took an active role in the foundation of UNESCO in Paris in 1946. He took on an important role in the United Nations Commission on Human Rights, as Vice-President from 1946 to 1955 and then as President. In 1965 he was elected President of the European Court of Human Rights. He is generally recognized as the main promoter of the Universal Declaration of Human Rights (1948) and of the European Convention (1950) that followed, personally contributing to the text.

The Strasbourg Institute, however, with its openly declared mission to promote the scientific study of human rights, through research, teaching, publications and dissemination of all relevant information, was not the only organisation engaged in this field at that time. In fact, from the early sixties, numerous private or at least non-governmental institutions had been created and had developed in different parts of the world with the common aim of promoting the respect and the safeguard of
human rights. The goal of some of these institutions was the dissemination, the in-depth analysis and the development of this law, while others were more interested in verifying its concrete implementation and in intervening in the case of ascertained grave and widespread violations through public condemnation and mass media involvement. It is unquestionable and widely recognized that in the last half century all these institutions, together with the competent bodies of the United Nations and other inter-governmental organisations, greatly contributed to developing interest and sensibility towards human rights problems, and consequently to the affirmation of the present international system of protection of such rights.

The same could not be said, at least until the foundation of the Sanremo Institute, regarding the specific field of humanitarian law; that collection of older norms that are more deeply rooted in the international community, and aim at providing the protection of human beings in emergency situations. In this field, possibly due to ideological prejudices and to an unconscious psychological tendency to reject strongly negative events, such as wars – the first and most important point of reference of humanitarian law - the intense work of international organisations and the Red Cross Movement, a recognized and fundamental actor, had received rather limited support from private associations and other non-governmental bodies.

It was precisely in this atmosphere where initiatives were few and far between that the Institute’s commitment grew. Therefore, concerns about a possible overlapping with the Strasbourg Institute raised during the Sanremo Congress that would have resulted in a detrimental duplication of activities and dispersion of human and material resources were proved to be unfounded. The question was solved once and for all by René Cassin himself as can be seen in his written reply to Paul de La Pradelle, President of our Scientific Committee who had sent him the text of the intervention he had made in Sanremo: “J’aurais voulu enfin vous dire que la ligne de démarcation (je ne dis pas de séparation) établie dans le rapport à San Remo que vous avez bien voulu m’envoyer, entre les droits de l’homme et le droit humanitaire, peut, sur le plan des compétences normales respectives des deux Instituts de Strasbourg et de San Remo, servir de guide pratique. Les deux Instituts sont d’ailleurs étroitement liés et je suis certain qu’un jour, s’il y a des organes internationaux de sanction ou juridiction pour les droits de l’homme, les violations du droit humanitaire cesseront d’avoir un statut à caractère national.”
Therefore, on the basis of a special agreement, the *Institut international des droits de l'homme* became Member of the Sanremo Institute and its President, René Cassin, was co-opted as a Member of our Council. At the same time, the President of the Sanremo Institute became an *ex officio* member of the Council of the Strasbourg Institute, as its Statute did not allow institutional memberships. Details of such co-operation were defined with Karel Vasak, Secretary-General of the *Institut international des droits de l'homme*, in a spirit of great friendship.
In September 1973, the two Institutes jointly organised a colloquium in Milan on spiritual and intellectual assistance during armed conflicts. René Cassin took part as a special guest. Afterwards, he had the chance to visit our Institute in Sanremo and he was also designated the status of Honorary Member. Although René Cassin passed away more than thirty years ago the Strasbourg Institute is still very often associated with the name of its founder.

How can the specific area of humanitarian law be shaped and how can it relate to the system of human rights, or the so-called “international law of human rights”?

The problem of defining international humanitarian law and giving it a scientific context was influenced by the major changes in the content and spirit of international law in general during the immediate aftermath of World War II. From a certain perspective, public international law (*jus gentium*) could be defined as humanitarian, as it aims at creating and preserving a pacific and orderly relationship among all States in favour of humanity. In the technical sense, moreover, humanitarian law tends to coincide with the international system of the protection of war victims, both combatants and civilians, using the Geneva Conventions as reference, gradually including rules dealing with the conduct of hostilities and the use of weapons, traditionally covered by the Hague Conventions under the classification of the law of war.

The need to better clarify the relationship between these two distinct legal systems, and to define their respective area of interest more precisely, stemmed from the powerful affirmation, within the body of contemporary international law, of that complex law system aimed at the general protection of human rights. In this regard, opposing theoretical positions were expressed in the past concerning supremacy, or, more exactly, the broader inclusiveness of either one or the other system. But there is no need to analyse the question now. Instead, where the definition of international humanitarian law is concerned, a formula has to be found whereby the independence of such law is safeguarded and the importance of the human being in modern international law is taken into consideration.

In fact, since the end of World War II, a new and specific element has characterised the evolution of the law in this field: the international protection of the human being is no longer linked purely to the context of war. It has acquired a more general value whenever and wherever and is incorporated into the United Nations Charter. Moreover, the respect and the protection
of human rights are placed in direct relationship with the maintenance of world peace on the declared assumption that any war of aggression is a result of denying the value and dignity of human beings. On this basis, for the first time in history, the safeguarding of human rights, in the national context of single States, becomes of major interest to the international community and develops universal obligations for those same States.

It is, therefore, clear that the two systems, namely, the long-established one of humanitarian law and the more recent one of human rights, despite their different historical background and technical pattern, are based on the same common philosophy. Such philosophy embraces the value of the human being, and the common goal of assuring stable and effective protection in all circumstances. This is also a condition for world peace. Regarding this last point, consider that this very “spirit of peace” inspired the whole historical development of humanitarian law, which has always aimed to reduce war damages as an *extrema ratio* in such a tragic event. As a consequence, the presence of a defined body of human rights, enjoying protection at international level, and the adoption of international rules for the safeguarding of human beings from the effects of armed conflicts are two distinct elements that converge into a common legal reality.

The awareness that the two systems were complimentary and interdependent, led to a growing tendency at the international level to consider the problem of the protection of human beings from a global and unitary perspective, without any reference to the classic distinction between law of war and law of peace. In this new perspective, various aspects and features, which are not in principle included in the law of armed conflicts, are today incorporated into the sphere of humanitarian law: the rules on the protection of refugees, asylum law, natural disaster law, the Conventions against slavery and forced labour, those against the trafficking of women and children, and the Convention on genocide and torture. Principles of humanitarian law are, therefore, applicable to a variety of situations and to different categories of victims, providing a useful basis for an organic interpretation of the international legal system, but most of all, they render the protection of human beings more effective.

On the basis of such considerations, international humanitarian law has found affinity with that body of general principles and particular rules, be they customary or treaty, which constitute the essential and primary core of
international protection of the human being, at all times and in all places; a core that pertains to life and human integrity, to moral dignity and freedom. The Institute has constantly been inspired by such values and chose this very topic for its Foundation Congress.
A difficult beginning

Organisations created with virtuous objectives and initially supported with great enthusiasm, often begin to lose their sprint due to lack of means or diminished interest on the part of the promoters, gradually fading away in the general indifference leaving nothing more than a positive memory. I am convinced that, at the time of its foundation, many anticipated such a fate for the International Institute of Humanitarian Law. However, this has not been the case, although it did have a very hard time at the beginning and considerable adversities have constantly marked its life over the years.

The most important and urgent problem was finding suitable premises for its headquarters. At the beginning, the historical Villa Nobel was considered to be a proper and suitable setting. This evocative 19th century building, surrounded by a magnificent park, was where the Swedish scientist spent the final years of his life, passing away on 10th December 1896. By surprising chance, the annual Nobel commemoration always coincides with the celebration of the anniversary of the Universal Declaration of Human Rights, approved by the United Nations General Assembly on 10th December 1948.
Complex negotiations were then initiated with the local Tourist Board, owners of the Villa, through its subsidiary company, Sanremo Sports Club. At the same time the Villa was undergoing important renovation works. The Secretary-General of the Institute also had a rather difficult meeting with the management of the Tourist Board. Meanwhile, the Institute was temporarily hosted at the City Hall, Palazzo Bellevue. Unfortunately, negotiations with the Tourist Board fell through when the Villa became the property of the Province of Imperia once renovation works had finished.

It was, therefore, necessary to start all over again with the administrative offices of the Province which, although not against the Institute, were very interested in another Sanremo institution created in the same years, namely the Italian Centre for the Permanent Training of Medical Doctors. Originally, in the summer of 1972, the Institute had been allowed the provisional use of a room, on the ground floor of Villa Nobel, for its secretariat. However, a few months later, the Institute was sent away. The Province, as the new owner of the Villa, decided that the Institute could only use the Villa as its representational seat, which practically meant having a plaque at the main gate, with the possibility of using some of the rooms for ad hoc initiatives on request.

The International Institute of Humanitarian Law had no proper premises for its operational headquarters and, therefore, had to work in very difficult conditions throughout 1973. Eventually, also thanks to the help of the same administrative offices of the Province and to the sensitivity of its President, Manfredo Manfredi, the Institute was able to rent some offices close by in via
Franco Norero, where its secretariat was temporarily established until a better solution could be found. It took ten years before the Institute was finally given proper premises. In fact, in January 1984 the Institute was allowed to use the prestigious Villa Zirio, owned by the Municipality of Sanremo, where in 1870 Frederick III, King of Prussia, had dwelt before becoming the Emperor of Germany. However, from the onset, the Villa proved to be too small to cater for the growing activities of the Institute.

Eventually, in April 1988, thanks to the support and to the personal commitment of the Mayor, Leo Pippione, the Institute was offered an appropriate solution. This took the shape of the splendid Villa Ormond, which provided all the space needed for the Institute’s offices and library, its courses and the major part of its other activities. The Institute now has exclusive use of this property.

Finding the necessary financial resources was, of course, another crucial problem. During its first year of activity, in 1971, the Institute could count on the una tantum contribution as part of the endowment fund of the Municipality of Sanremo amounting to 8 million lira, the equivalent of today’s 50,000 euro approximately. That sum, which was increased through contributions made by the Italian Government and the Province of Imperia, who both gave one million lira each, was quickly spent on installation costs and on the organisation of the seminar on military instructions, which will be mentioned further on. Unfortunately, in the following years, the contribution from the Municipality was reduced to less than half, although it was still
more than the occasional and symbolic contributions received from the Italian Government, the Province of Imperia and the Liguria Region. As a matter of fact, the Institute's financial statements of those early years registered rather low amounts, about ten million lira, although it always more or less broke even. Later on, there was an increase in revenues and corresponding expenses pertinent to specific programmes of activities that were financed by *ad hoc* contributions. However, financial resources required for the daily functioning of the Institute were insufficient and unstable for a long time, creating constant concern for the Institute’s first Treasurer, Dr Pietro Donato.

The lack of financial means was counterbalanced by keeping management costs as low as possible. The generous and voluntary commitment of those operating for the Institute during those years should be mentioned, as they did not only work without compensation, but they often contributed to costs personally. Members of the Council, in fact, paid their own travel costs to attend Council meetings, if they could not rely on other financial sources. Course and seminar speakers did not get any remuneration and their travel costs were usually funded by their respective organisations. Moreover, the Institute was only able to hire a full-time staff member as of 1980, ten years after its foundation. It was only in the ’80s that the Institute’s budget reached and exceeded 100 million lira, corresponding to about 150.000 euro: quite an insignificant figure compared to the amount of activities run on an annual basis by the Institute even at that time. Consequently, the Institute was looked upon as a “financial miracle”. For several years, the managing of the accounts of the Institute was entrusted to the generous commitment and capable hands of the accountant, Dr Gianni Biondi.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>INCOME (TOTAL)</th>
<th>EXPENSES</th>
<th>RESULT</th>
<th>MANAGEMENT EXPENSES</th>
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<tr>
<td>1971</td>
<td>10.973.940</td>
<td>11.637.795</td>
<td>-663.855</td>
<td>5.325.280</td>
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<tr>
<td>1977</td>
<td>23.157.147</td>
<td>24.322.925</td>
<td>-1.165.778</td>
<td>10.689.832</td>
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<td>1980</td>
<td>114.436.218</td>
<td>114.066.613</td>
<td>369.605</td>
<td>25.592.440</td>
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In the following years, the annual financial statements of the Institute registered a considerable increase, which was mainly linked to the important monetary devaluation at the time, but most of all to the large contributions on the part of the United Nations (UNHCR, OHCHR), of the International Committee of the Red Cross and, for the whole period of the ’90s, of the European Union Commission. All these contributions, however, were mostly earmarked for specific projects (courses, seminars, round tables) and, therefore, were of little help in covering general management costs.

Efforts made to consolidate the Institute’s position, with the double intent of coping with the above-mentioned difficulties and of assuring constant activity, moved in two directions: the pursuit to obtain legal status and receiving a financial contribution from the Italian Government.

Regarding the second objective, a proposal was submitted to Parliament, backed by the Government, by the Hon. Emidio Revelli and others (n. 1824, VI Legisl., 8 March 1973), which envisaged an annual contribution of 20 million lira to the Institute. Such proposal, however, never even reached the scrutiny of the Commission because its term of office was ending. With regard to recognition as a legal private law entity, this was denied in 1976 through the decision of the Council of State for “the evident lack of an adequate endowment to fulfil statutory tasks”.

Unfortunately, neither the efforts of Paolo Rossi during and after his presidency at the helm of the Institute, nor those of his successor, Ambassador Pier Pasquale Spinelli, were sufficient to achieve these two important objectives. It was only many years later, in 1993, that the Institute finally obtained legal status through the decree of the Ministry of Foreign Affairs. However, the proposal of a special decree allocating the Institute state funding was not pursued also to avoid the risk of losing its status as a non-governmental organisation. It might appear strange, but not that much, if you consider the superficiality of certain information, that the draft law in favour of the Institute was placed in a bad light in an article written by Fabrizio Dragosei in the “Corriere d’Informazione” on 24th February 1973, and I quote: “Without going into the merits of the International Institute of Humanitarian Law, who is seeking legal status as a public law institution, let’s remember there are already fifty-eight thousand useless institutions around.”

1 In reality, as can be seen in the text, the draft law in question did not foresee in any way the recognition of the Institute as a public law institution but only its eligibility to be granted a financial contribution.
President Rossi encouraged positive relations between the Institute and appropriate Italian governmental organisations also using his great personal influence with the local authorities regarding the question of possible sites to be used as its headquarters. His commitments in Rome that took up most of his time did not stop him from pursuing contacts by writing letters or making phone calls on a regular and intense basis. During his one and a half years of office I met him on rare occasions. I remember he received me on two occasions in Rome in his office at the Constitutional Court. I went to see him another time with Vice-President Lombardo in Gattaiola just outside Lucca, in a residence that I think belonged to his wife’s family. Paolo Rossi resigned as President of the Institute in February 1972 due to his growing commitments at the Constitutional Court. He, in fact, became President of the Court in 1975 and in this role he led the trial on the Lockheed scandal. He died in the spring of 1985.

Pier Pasquale Spinelli took over the presidency of the Institute and was widely appreciated as a leading figure in Italian diplomatic circles. After having served in New York, in Cuba and in China, he was appointed Secretary-General of the Italian Administrative branch in Somalia under the mandate of the United Nations. In 1958, the Secretary-General of the United Nations, Dag Hammarskjold, nominated him Under Secretary-General and Director General of the European Office of UN in Geneva. This position was confirmed by the following Secretary-General, U Thant, allowing Pier Pasquale Spinelli to play a vital role within the framework of the United Nations peacebuilding activities until 1968.

Spinelli was a very pleasant, composed person of great wisdom with a deep knowledge of and vast experience in international problems. His excellent reputation in Geneva was a great help to the Institute in establishing relations
within the framework of the United Nations, the Red Cross and different international organisations.

Thanks to him the support of the Ministry of Foreign Affairs for the activities of the Institute was consolidated through a modest but regular financial contribution and through systematic updates sent to Italian diplomatic representatives all over the world. In that period, Spinelli was also President of SIOI (Italian Society for International Organisations) resulting in fruitful collaboration between the two institutions and the Institute being able to rely on the clear-headed and generous involvement of Franco Alberto Casadio.

President Spinelli’s influence was decisive in getting the International Institute involved in the organisation of the United Nations seminar on Youth and Human Rights which was held in Sanremo in 1973. But he also worked on a wider scale contacting governments, particularly, the Italian Government, international organisations and academic institutions, public and private bodies. On several occasions he personally approached the local authorities through direct meetings with the Mayor and the President of the Province.

Ambassador Spinelli fell ill towards the end of 1979 and there followed a long period of convalescence which forced him to leave the presidency of the Institute in 1980. As a consequence, the Assembly of members affectionately awarded him the title of Honorary President in recognition of his intense commitment, his wisdom and patience in difficult times. Professor Patrnogic, already Vice-President for some years, was elected in his place. Unfortunately, Spinelli’s health was unstable despite occasional moments of recovery when he was able to attend an Executive Board meeting in June 1981. He passed away in 1983.

In its first ten years of existence the Institute benefitted greatly under the dignified leadership of both Presidents Paolo Rossi and Pier Pasquale Spinelli, through their personal prestige and their consolidated relations in the field of both internal and international affairs.

The role of the President integrated well with the work of the Secretary-General who, according to statutory norms, was responsible for the running of the Institute and the realization of its programme of activities. The statutes of the Institute were inspired by the organisational chart of international organisations, defining the position of the Secretary-General and his/her tasks as follows: (art. 11): “….. The Secretary-General is the head of the
administration and reports to the President. He/she ensures the implementation of the decisions of the General Assembly, the Council, the Executive Board and the President…… The Secretary-General is the legal representative of the Institute at its Headquarters in Sanremo in the absence of the President.”

According to the statute, the President and the Vice-President were elected and the Secretary-General appointed by the Council every four years. The Council itself, the highest deliberating organ regarding the decisions made by the Assembly of Members, was two thirds composed of members elected by the Assembly and one third co-opted. In addition, the Municipality of Sanremo and the Italian Red Cross were fully represented.

The Council could include permanent Observers, without the right to vote, from other Institutions as determined by the Council. Observers, representing the International Committee of the Red Cross, the League of the Red Cross Societies, and the Order of Malta, took part in the Council meetings. From a certain date in time, the United Nations of the High Commissioner for Refugees also took part as observers. The Secretary-General presented his reports to the Assembly on behalf of the Council. An Executive Bureau, then an intermediary organ liaising with the Council and the Secretary-General, was introduced with the first statutory reforms of 1972 which aimed at providing more detail and effectiveness. The original Statutes also provided for a scientific committee called to work with the Council to define the programme of activities of the Institute. This committee was replaced by specialized scientific committees according to the different sectors of activity.

In those difficult years, many believed in the project of the International Institute of Humanitarian Law and greatly contributed to it, as members of the Council or the scientific committees or as speakers at the round tables.
or in whatever other way, drawing on their professional abilities, their reputation, their position and their experience. A special mention should be made of the tireless commitment of Giancarlo Lombardo, as a judge at the high courts, and as one of the founders and later as Vice-President of the Institute. Lombardo was a strong supporter of human rights and a tireless promoter of initiatives in this field. He was awarded the title of honorary member of the Institute.

Other names come to mind, apart from names that have already been mentioned and names that will be mentioned later, and those are the names of the founders of the Institute: Bagher Ameli, Enrico Ciantelli, Raphael Ellenbogen, Granville Fletcher, Rup C. Hingorani, Vladimir Kabes, Gustaf Petrén, Pia Levi Ravenna, Roberto Socini, Jules Voncken. Mention should also be made of George Abi-Saab, Herbert Beckh, Denise Bindschedler-Robert, Frits Kalshoven, Tom Crabb, Jean de Breucker, Father Henri de Riedmatten, Marie-José Domestici, Jean Dupuy, Tom Farer, Manfred Lachs, Salvadore Malizia, Father Carlo Messori Roncaglia, Ivar Muller, L. Rao Penna, Jean Siotis, Edoardo Vitta and Mons. Antonio Turri. Many other names can be added, names of famous lawyers from all parts of the world, idealistic politicians, international officials and humanitarian operators. Many of these friends are no longer with us but their names are carved in the history of the Institute.

The emblem of the Institute, which is a stylized white swan on a light blue background, was adopted for two distinct reasons. It is a well-known fact that the image of a swan is often used in iconography by different peoples and in different cultures for its beauty and elegance. This characteristic of universality has made the swan particularly suitable to represent co-operation with an international calling such as the Institute. But the image of a swan was also chosen as the emblem of the Institute in honour of its host, the province of Liguria. In fact, according to Greek mythology, Cicno, the legendary king of the Ligurians, was changed into a swan by Apollo while he was grieving for the death of his friend, Fetonte, who was struck down by lightning at the hands of Zeus for driving away the chariot of the Sun and plummeting down into the Eridano River. Cicno’s metamorphosis was celebrated by Ovidio and remembered by Virgilio in the tenth book of the Eneide. The unfortunate king, in his new form, thus became the emblem of the region he reigned over.

Photo 18 – Emblem of the Institute
Military training courses for Officers of the armed forces

From the very beginning of its story, the Institute has dedicated particular attention to one of its statutory objectives, namely, the dissemination of humanitarian law.

The dissemination of knowledge of the rules of humanitarian law applicable to armed conflict became a specific obligation for States adhering to the Geneva Conventions for the protection of war victims. This obligation was stipulated in all four Geneva Conventions and was reaffirmed in the two Additional Protocols of 1977 as follows: “The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.”

The obligation to disseminate the humanitarian law of armed conflict is also a fundamental element of the wider responsibility of States to assure the respect of such law, as officially laid down in Article 1 common to the four Geneva Conventions, and reiterated in Article 1 of Protocol 1. But despite the international obligations undertaken, there are countries that do not or do not often disseminate the rules in question among their armed forces. On the other hand, there are governments and military commands in other countries that continue to pay special attention to such topics. At the time the Institute was created this state of affairs was evident, causing serious concern for humanitarian organisations involved in the conflict scenario, especially for the International Movement of the Red Cross.

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1 The text comes from art.47 of the First Geneva Convention (GCI). The same text with slight changes can be found in art.48 of GCII, in art.127 of GCIII and in art.144 of GCIV, as well as in art.83 of Additional Protocol I (API) and in art.19 of APII.
In many countries the teaching of humanitarian law to military personnel did not exist and where it was practiced it was often superficial, too theoretical and not sufficiently motivated: this was also due to the commanders’ lack of trust of or indifference to such rules which they often considered to be just legal concepts quite foreign to the tasks and duties of a soldier. The Institute, therefore, was determined to contribute to the widest dissemination of the knowledge of humanitarian principles and international rules applicable in situations of conflict, in the armed forces of different countries.

The issue of including humanitarian rules in teaching programmes and in military regulations was addressed for the first time in a colloquium (*Norme umanitarie e istruzioni militari*), organised by the Institute in September 1971 with the participation of scholars and experts from around thirty countries, representing nineteen governments and the main international organisations. The proceedings of this Colloquium were collected in a volume of 255 pages, edited by General Ottavio Orecchio and published in Milan by Giuffrè publishers.
A seminar on the teaching of humanitarian law in military institutions followed, held from 5th to 18th November 1972, which was attended by delegations of the armed forces from 24 different countries together with representatives from the International Committee of the Red Cross.

The seminar concentrated on creating special didactic techniques for the military, and formulating concrete guidelines in the preparation of course programmes at various levels. For the occasion, a working document was compiled for the participants containing texts relevant to the state of application of the rules of humanitarian law in the internal structure and military regulations in a number of European countries and the United States. The texts of certain international conventions and resolutions adopted by the United Nations and the International Red Cross were also included.

The proceedings of this seminar were published in Brussels as a special edition of the *Revue de droit pénal militaire et de droit de la guerre*: a volume of 338 pages that presented sixteen different lessons, each accompanied by a summary in five languages as well as two documents – one containing a series of didactic criteria and the other containing a detailed teaching programme – which provided the results of the seminar.

The initiative of the Institute immediately had an important impact on the actions of governments. In Belgium, orders were given by the Ministry of Defence to intensify the teaching of humanitarian law in the armed forces according to the proposal made at the seminar in Sanremo.

In Italy, a course on international humanitarian law (IHL) was included in the study programme of the School of Aerial Warfare. The military authorities in Spain, as a result of the seminar, arranged for the publication of a manual complete with the Geneva and Hague Conventions to be used by the respective units starting from the rank of non-commissioned Officer. The subject was also taken up by Canada and the United States as well as the Federal Republic of Germany where military training was already well considered.

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2 Algeria, Australia, Austria, Belgium, Canada, Denmark, Finland, Federal Republic of Germany, Great Britain, India, Iraq, Iran, Ireland, Israel, Italy, Luxemburg, Holland, Spain, United States, Sweden, Turkey, Venezuela, Zaire and Zambia.

3 In a statement dated 10th January 1974, Gen. Emilio Villaescusa Quilis, Head of Staff of the Spanish Army, assigned President Spinelli two special editions of the volumes with the dedication: "Esta edición se ha realizado de acuerdo con las conclusiones obtenidas en el seminario que sobre derecho humanitario se desarrolló en la sede del Instituto en noviembre de 1972, al que asistieron tres representantes de este ejército".
In the light of these studies and experiences, the Institute defined a course model which was presented to governments encouraging them to introduce and intensify military training programmes in this area of law, making such programmes the basis of the regular training of Officers of the armed forces in different countries.

The Institute’s first course on the law of war took place in Villa Nobel, Sanremo from 16th to 23rd June 1976 and was held in French. Eighteen officers from seven different countries took part: 4 from Belgium, 4 from Italy, 4 from Zaire, 2 from Congo, 2 from Switzerland, 1 from Iran and 1 from Spain. The didactic approach consisted of ex-cathedra lessons given by high-ranking Officers or university lecturers but room was also given to working groups and practical exercises. Colonel Frédéric de Mulinen from Switzerland, who was already responsible for the ICRC military training programmes, was chosen to direct the courses in Sanremo. However, it soon became apparent that the traditional, academic method of teaching was far removed from the concrete needs of military personnel.

Special homage should be given to Colonel de Mulinen for his competence, expert sensibility and passionate commitment. By making gradual but important changes he reshaped our courses giving them a very new and original form which was immediately appreciated by experts and competent military commands. Training should not aim at offering general knowledge of the subject but it should rather present as clear and concise a picture as possible of the common and practical norms applied on the field.

The programme was, therefore, defined in such a way as to relate to the basic training and the specific needs of the military, presenting humanitarian provisions as an essential part of the professional duties of the soldier.

From one course to the next important updates were made to the didactic content and work plan and soon the length of courses increased to cover a period of two weeks for a total of 80 hours. Most of the course was dedicated to detailed study and class discussion, involving around ten participants at a time, together with exercises involving opposing sides.

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4 “sul diritto della guerra” in Italian; “sur le droit de la guerre” in French. From 1983, also in light of the recent international instruments, the title of courses became more comprehensive referring to the law of armed conflicts (“conflitti armati”, “le droit des conflits armés”), meaning that the subject treated included the rules of behaviour in hostilities (the so-called Hague law) and the protection of the person, combatants and civilians alike (the so-called Geneva law).
Activities were organised in such a way as to allow the testing and evaluation of specific tactical situations demanding the application of norms both in relation to the characteristics of air and sea warfare as well as so-called asymmetric conflicts.

Such a course, which still constitutes the basis of current programmes of the Institute for members of the armed forces, was mainly aimed at Officers of the General Staff or Commanders of operational units, preferably from the various armed forces and services along with a limited number of legal advisers and military magistrates or doctors from the medical services.

The teaching staff consisted of Officers with personal experience of combat or teachers from military schools, often chosen from among the participants of previous courses and who were, at the request of the Institute, kindly authorised to offer their services by the competent national authorities. The ICRC was responsible for providing the texts of the Conventions and other didactic material in English, French and Spanish and, in particular, copies of the “Handbook on the law of war for armed forces”, which was edited by de Mulinen and tailor made for the Sanremo courses.

A special committee for military instruction was tasked with systematically updating the programmes and teaching methodology also taking into account the continuous evolution of warfare and the corresponding international norms. The members of such committee, experts from various countries, took their commitment very seriously under the initial leadership of General Ottavio Orecchio (Italy). Generals Pietro Verri (Italy), José-Luis Fernandes-Flores (Spain), Antony Rogers (Great Britain) and Louis Geiger (Switzerland)\(^5\) followed in his footsteps as time went by.

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\(^5\) The Advisory Board has now replaced the original Committee for Military Instruction, and has the task of revising the organisation and the didactic material for the military courses.
The special attraction of these courses was related, and still is, to their particular international relevance providing participants a neutral and open environment where they could benefit from an in-depth exchange of ideas, mentality and experience with reference to a body of norms, which, above all others, needed a common interpretation and a not too contrasting application.
From this point of view, it is very significant that officers from countries at war with each other have attended the same course without any trouble and have sometimes been photographed per chance side by side in the group photo.\(^6\)

The realistic aim of the military courses of the Institute is to remind governments of their obligation to disseminate humanitarian law in their armed forces and to help them do this task effectively. With this in mind, the Institute is particularly committed to encouraging the presence of Officers from less developed countries, by exempting them from the participation quota and by granting them a scholarship covering their travel expenses and stay during the course. This policy was also one of the reasons why the courses of the Institute were looked upon favourably by governments, so much so that in certain countries, particularly African countries, participation at the Sanremo courses became an essential part of training programmes in the armed forces in this field. Generally speaking, participants themselves became promoters of the teaching of humanitarian law in their own countries often becoming instructors in military schools or editors of manuals and regulations in their local language. But in some cases, participation at the courses also had a more direct unexpected effect on the ground. I can recall two episodes.

The first one was when a delegate from the ICRC, while working on the frontline during the Iraq-Iran conflict, told me that in the initial phases of the operations an Iraqi commander, who had already attended one of the Sanremo courses, suggested that combatants on both sides should commit themselves to the application of the Geneva Conventions. Unfortunately, the proposal was not accepted by the Iranian side. In fact, the grave violations of international humanitarian norms committed in that conflict are well-known.

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\(^6\) In 1982 two generals from Iraq and three colonels from Iran who were fighting on opposite sides a few days earlier attended the 12th military course. On several occasions Israeli Officers and Officers from Arab or Islamic countries attended the same course. There was just one time when a political problem arose: in 1986 Nigerian participants, on the instructions of their Embassy, protested against the presence of Officers from South Africa, a country that had been outlawed by the United Nations, and threatened to leave the course. Colleagues from African and Asian countries joined the protest. The sensitive question was solved thanks to the understanding of the South African Officers who decided to leave with the commitment on the part of the Institute to invite South Africans and African countries to separate courses in the future.
The second episode involved Colonel José Maldonado Torres from Honduras who had been a participant and, for several years, an instructor at our courses. Maldonado told me that, during one of the many border incidents between Honduras and Nicaragua that could have ended up in shooting and serious consequences, he found out that the commander on the opposing side had participated at one of the Sanremo courses. This encouraged him to ask, in the spirit of having shared a common training experience, for a meeting which led to a peaceful solution to the incident.

I can only remember one occasion in 1983 when there was a clear and motivated decision on the part of the French Ministry of Defence to politely decline the Institute’s invitation to designate participants at the course. The reasons were specified in a letter written by the Minister of Defence, Charles Hernu7. However, in the course of time, France became one of the countries with the highest number of participants at the courses which they considered to be “a very important instrument in military training in the field of the law of war”8, and the country greatly contributed to the teaching staff. It is also worth mentioning the formal position taken by the USA representative at the OSCE Conference whereby the courses in Sanremo were considered “a unique resource in developing a common world-wide understanding of the law of war among military officers”9.

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7 In the Minister’s opinion the participation of officers from his country was not necessary as humanitarian conventions approved by France were widely disseminated in French armed forces and their study was incorporated in the military training programmes at all levels. An additional reason was that the programme of the Sanremo courses included international instruments to which France had not adhered (implicit reference was made to the 1977 Protocols, additional to the Geneva Conventions which France had not yet ratified).

8 At the colloquium Droit des conflits armés et défense which took place in Paris in February 1998 on the initiative of the Ministry of Defence with the participation of more than 300 officers from different forces, the speaker, Gen. Jean Raingeard, Commander of the School of the French Air Force, expressed warm appreciation of the programmes of the military courses of the Institute emphasizing their special didactic value “non seulement par la très grande diversité des intervenants de toutes nationalités qui peuvent s’y côtoyer, mais aussi par le très grand réalisme de l’instruction qui y est assurée”. He concluded by saying: “les nations disposent, grâce à cet Institut, d’un très puissant outil de formation de leurs militaires en matière de droit de la guerre”.

9 From the presentation of Colonel Phillip A. Johnson, Usaf, Legal Counsel of the Department of Defense, at the Conference of the Organisation for the Security and Co-operation in Europe (Vienna, 1997): “I am pleased to call to your attention the outstanding training in the law of war for military Officers that is offered by the International Institute of Humanitarian Law in Sanremo. We, in the United States, consider the Institute and its law of war courses to be a unique resource in developing a common world-wide understanding of the law of war among military officers (…). The United States has found our continuing relationship with the International Institute of Humanitarian Law to be extremely valuable for more than two decades, and we urge all the members of this organisation to take full advantage of its outstanding work in disseminating the law of war”. 52
In the period between 1976 and 1990, 32 basic military courses were organised with the participation of 1,044 officers from 97 countries. In 1984, courses in the Spanish language were added on top of courses held in English and French. Exceptionally, three courses were held in Italian in Florence hosted in the Cascine at the head office of the School of Air Warfare (1977, 1980 and 1983). All this time, the direction of the military courses of the Institute was in the reliable hands of Colonel de Mulinen, assisted by around 15 instructors from various countries who were strongly committed and united by a common team spirit. The more senior group was made up of John Crafoord (Sweden), Klaus Kuhn (Germany), Esko Nieminen (Finland) and Tony Rogers (UK). Later on the following Officers became part of the teaching staff on a regular basis: Giorgio Blais and Arturo Marcheggiano, both from Italy; Juhani Loikkanen (Finland); Crister Sterning (Sweden); Bill Nott (Ireland); Gordon Risius and Charles Garraway, both from the UK; Xavier Sánchez del Rio and José-Luis Domenech Omedas, both from Spain; Blaise Godet (Switzerland); Sadi Cayci (Turkey); Roberto Moreno (Argentina); and Manuel Campos Almeida (Portugal).

Photo 24 – Military courses: working dinner of class leaders at the Osteria della Costa, Sanremo from the left to right, de Mulinen, Risius, Kuhn, Genesio, Rogers, Nieminen
But a very important role in the management of the programme was soon given to General Pietro Verri who, at the eve of his career at the head of the Arma dei Carabinieri, was called to preside over the Committee for military instruction of the Institute. General Verri, born into a longstanding, Lombard family, had represented the Arma in a seminar in 1972 and as a result he developed a deep interest for humanitarian law in armed conflict which became a central theme in his studies particularly from a historic point of view. This also led him to hold important positions in the Italian Red Cross, initially as President of the provincial Committee of Florence and later as President of the Committee for the dissemination of humanitarian law in that organisation.

General Verri edited a publication for the Institute which contained a vast collection of instruments of humanitarian law of armed conflict and appropriate Italian normative texts, as well as international rules aimed at prohibiting war. The volume was enhanced by a generous introduction, an updated situation of ratifications and a detailed index. It was published in 1980, thanks to the collaboration of the Ministry of Defence, as part of a special edition of the Rassegna dell’Arma dei Carabinieri and was aptly entitled Diritto per la pace e diritto nella guerra. This volume filled an important gap in Italian literature addressing this field.

One of the more important issues that the Committee had to deal with during General Verri’s presidency was the possible organisation of certain courses outside the Institute, using suitable military infrastructure and making the most of offers of collaboration made by certain Asian and Latin-American governments in view of widening the participation of non-European countries.

The Committee strongly opposed this initiative, even in a pilot form, for fear of distorting the programme unless it was a question of simply

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10 With the rank of Vice-Commander General which was the highest rank an officer of the Arma could have: the Commander General always had to be an “outsider” according to the rules in force at the time.
offering techno-didactic support for courses organised on a national level by single governments. Nevertheless, in more recent times, (1996-97) three courses were held in Turin at the training centre of the International Labour Organization (ILO), on the premises of the United Nations Staff College, offering an excellent techno-logistic infrastructure on the right bank of the Po, in the very building where the 100th anniversary of the unity of Italy had been celebrated.

In recent years, the Institute has considerably developed its activities in the field of IHL dissemination in the armed forces also thanks to the creation of an appropriate operational unit called the Directorate of Military Studies composed of Officers of different nationalities and directed at the initial stages by General George Blais (Italy) with the assistance of Colonel Jan Van den Elsen (The Netherlands). This Directorate was responsible for the course structure, relations with governments, selection of the teaching staff and updating the didactic material\textsuperscript{11}. It has also produced a detailed teaching file for the courses which was initially written in English and then translated into French and Spanish.

A new course was introduced in 1997 to prepare directors and instructors responsible for the teaching of and training in IHL programmes in their own national armed forces. More recently, advanced diploma courses were introduced with the aim of giving participants an in-depth knowledge of the body of international rules, as well as courses for programmers and executors of air and naval operations and a course on human rights for the armed forces, the security forces and the police in peacekeeping operations.

Alongside these courses an annual competition was introduced attracting particular interest from a good number of countries and involving cadets from their respective military academies. The three main working languages spread to include Arabic, Russian and Chinese.

\textsuperscript{11} The Officers involved in this directive unit, which later became known as Military Department, have so far come from the following countries: Canada, Finland, Great Britain, Italy, The Netherlands, Norway, United States of America, and Switzerland. There has always been an officer chosen by the General Staff of the Italian Navy. At the moment, the Military Department of the Institute is directed by an English Officer, Colonel James Stythe.
Encouraged by such developments and rising governmental interest, the General Assembly of the United Nations, in its resolutions relevant to its ten-year international law programme, made frequent reference to the activity of the Institute as an example of co-operating with States in the promotion and respect of the principles of international law.\(^{12}\)

One of the main priorities of the International Committee of the Red Cross (ICRC), as the acclaimed defender and promoter of the Geneva Conventions on a world wide scale, is the dissemination of the knowledge of international humanitarian law. In order to apply the special directive of the International Conference of the Red Cross\(^{13}\) the ICRC fostered the activities of the Institute in this field with its constant and often decisive support. For a long time, the ICRC, apart from the full-time commitment of Colonel de Mulinen, which lasted for almost twenty years, and the preparation and supply of didactic material, also covered the travel and accommodation expenses of the members of the teaching staff. Moreover, from the very beginning of the programme, the ICRC totally financed the participation of Officers from Third World countries. In 1993, the number of participants who enjoyed such financial support reached the remarkable number of 85. Bruno Doppler, an official of the ICRC and Head of the ICRC Division for Dissemination to the Armed Forces, collaborated as a discreet and intelligent go-between for many years. Mention should also be made to the important activity of the regional offices of the ICRC in involving governments in the promotion of IHL going as far as selecting suitable candidates for the courses.

Understandably, the ICRC began to feel protective towards the courses in Sanremo. At its XXIV International Conference of the Red Cross, held in Manila in 1981, where the Institute was an observer, President Hay in his official speech mentioned the programme of military courses as being organised in Sanremo by the ICRC. I could not help expressing my disapproval to the President pointing out that the situation was not exactly as he had made out. I remember that Alexandre Hay, who was a man of great sensitivity, was sincerely sorry and, opening his arms he replied that the speech had been read by the Assembly and prepared by his collaborators.

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12 Resolution n°s 49/50 of 9\textsuperscript{th} December 1994 (programme attached, section IV, para.5) and similar resolutions approved in the following sessions: “States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of Ministries of Foreign Affairs and other relevant Ministries, as well as military personnel. The United Nations Institute for Training and Research, UNESCO, the Hague Academy of International Law, the International Institute of Humanitarian Law, regional organisations and the International Committee of the Red Cross are invited to continue cooperating with States in this respect.”

13 Resolution n° VI of the XXV International Conference of the Red Cross (Geneva, 1986).
Many years later, when Colonel de Mulinen, coming to the end of his career, left the leadership of the courses, the ICRC made it obvious that they would have liked to name his successor. But the Management of the Institute did not agree and felt that the Institute should be able to choose in complete autonomy, while still acknowledging and appreciating the role of the ICRC and hoping that the difference of opinion would not prevent the ICRC from collaborating with the courses. At that time, Cornelio Sommaruga, former Ambassador, was President of the ICRC, the first Ticinese to lead the great humanitarian organisation. He was a celebrity with a wide vision and boundless energy but also, depending on the circumstances, a man of disarming frankness.
I approached him informally on the matter at a meeting at Bochum University in Germany. I emphasized that it was in the ICRC’s own interest if the Sanremo courses were conducted by a completely independent institution, while still being kept informed of the ideal pattern of the courses and their clear objectives. Sommaruga understood my point of view but kindly told me that it would have been difficult to convince the Assembly of the ICRC to be financially committed, as it had been at the time, to granting an annual contribution of 300 thousand Swiss francs, if it involved an activity it had no control over. Both the Institute and the ICRC had valid arguments. As a result, the financial contribution of the ICRC was suspended for a year in 1994 and then re-installed according to a precise protocol agreement. Moreover, the nomination of a new course director was no longer an issue as in the meantime the previously mentioned special management unit had been created.

By the end of 2008, a total of 6,910 officers from the armed forces of 170 countries had taken part in the training programmes of the Institute. In other words, all the higher military circles in the world send or have sent their officers to participate at courses in Sanremo. There is no doubt that such an incredible result has been achieved also thanks to the influential support of the ICRC.
Relations with international bodies

THE COUNCIL OF EUROPE

From the very beginning, the special importance and relevance of the Institute’s programme, its consolidated and professional approach to the issues addressed, its sincere objectivity, and the clearly practical and constructive character of its courses have earned the Institute the recognition and support of the main international organisations interested in the protection and the promotion of human rights. For its part, the International Institute of Humanitarian Law has, throughout the years, always strived to maintain close relations with international organisations in keeping with its sense of co-operation and service that marked its original inspiration.

The warm welcome President Spinelli received on his visit to Strasbourg in July 1972 paved the way to intense collaboration with the Council of Europe. In view of the conference to revise the Geneva Conventions, the Institute was tasked with writing a report on “Recent international action in the development of humanitarian law”. This report, which was edited by Professor Patrnogic, was included in the agenda of the day and examined by the Sub-committee for Human Rights of the Parliamentary Assembly in a session that was exceptionally convened at the Institute in Sanremo on 6th July 1973. Basing its decision on this report, the Parliamentary Assembly of the Council of Europe adopted a specific recommendation (No. 714/1973) whereby, in consideration of the close connection existing between human rights law and humanitarian law the latter was: “… therefore also of interest to the Council of Europe ….” The governments of member States were invited to participate “in a positive and liberal spirit” in the revision and completion of the norms of humanitarian law, asking the Committee of Ministers to “… intensify their efforts to ensure dissemination of and instruction in the international humanitarian conventions and their application, not only to military personnel at all levels, but also in schools and universities …,” The Assembly also asked the Committee of Ministers to communicate the
report of the Legal Affairs Committee to the governments of State members. This report expressed warm appreciation for the activity of the Institute affirming its “very precious contribution to the defence, to the reaffirmation and development of humanitarian law” along with its collaboration in the in-depth study of the subject within the Council of Europe itself.

In addition, the report urged governments to support the Institute, also on a financial basis. Unfortunately, however, such recommendation received at the best of times indefinite replies: consequently, once the representative from Luxembourg had raised the issue at the Committee of Delegates of Ministers in July 1974, it was postponed indefinitely.

In the years that followed the Council of Europe continued to observe the activities of the Institute with special interest and also gave it some financial support. In 1981, the Council of Europe was, in fact, the first international organisation to grant the Institute a special consultative status.

In that period, our relations with the Council of Europe were greatly favoured by the strong commitment of both Galeazzo Sforzino Sforza and Nino Adinolfi, who succeeded each other as Deputy Secretary-General of that organisation. Moreover, the precious work of Giuseppe Guarneri, Head of the human rights sector, should not be forgotten. These personalities were all members of the Institute and the first two, although at different times, were members of its Council.

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1 The 64th paragraph of the mentioned report reads as follows: “Il nous faut rendre un juste hommage à l’activité de l’Institut international de droit humanitaire créé à San Remo en septembre 1970 et dont l’action au cours des trois années écoulées a contribué de manière très précieuse à la défense, à la réaffirmation et au développement du droit humanitaire tant à l’échelon national qu’international (…). On espère que les travaux de l’Institut rencontreront l’appui des universités, des organisations non gouvernementales et des fondations nationales des États membres du Conseil de l’Europe qui apportent leurs concours à des projets éducatifs valables et l’on espère aussi que les gouvernements des États membres soutiendront financièrement l’Institut de San Remo par des contributions volontaires ou par l’octroi de bourses de recherche ».

2 Resolution no. 72 (35) of the Committee of Ministers dated 22nd June 1981, in force as from the following 22nd December.
As if to highlight the importance of such relations, the Council of the Institute convened at the headquarters of the Council of Europe in Strasbourg on 11th April 1983 where they were received by Secretary-General Franz Karasek.

In 1981, the Institute was also given consultative status by the Inter-American Commission on Human Rights with its head office at the Organization of American States (OAS).

THE UNITED NATIONS

As has already been mentioned, the Organization of the United Nations was represented at the foundation of the Institute by a senior official from the Human Rights Unit. The “Sanremo Declaration” was included in the report written by Secretary-General U Thant on human rights and armed conflict, which he addressed to the General Assembly.

In July 1972, the Director of the Human Rights Unit, Marc Schreiber, a particularly attentive interpreter of the United Nations’ role in the field of humanitarian legislation, visited the Institute. On this occasion the idea of organising a United Nations seminar in Sanremo with the collaboration of the Italian Government on “Youngsters and human rights”, was discussed.

It was not easy convincing the Ministry of Foreign Affairs firstly to agree to the initiative, with the choice of Sanremo as the venue, and secondly to formalize the accompanying financial commitments. In the end, however, an agreement was reached also thanks to the personal esteem President Spinelli had earned as former Ambassador and former Under Secretary-General of the United Nations. According to a specific clause in the agreement resulting from the dialogue between the United Nations and the Italian Government, our Institute was tasked with the technical organisation of the seminar. Claudio Zanghi, legal counsellor from the Ministry of Foreign Affairs and founding member of the Institute, acted as liaison officer.

Consequently, the “Seminar on Youth and Human Rights” was held in Sanremo from 28th August to 10th September, 1973. The event, which was included in the framework of the programme of consultative services on human rights established by the General Assembly, and was a follow up to another seminar on the same topic held in Belgrade three years previously,
attracted worldwide participation. Participants included delegations from 31 different governments, along with representatives from UNESCO, the Council of Europe, the League of Arab States, the Organization of African Unity and about twenty international non-governmental organisations. The agenda of the seminar addressed suitable initiatives to promote a constructive contribution on the part of youngsters to the application of human rights and their wider participation in programmes encouraging such rights. Educational models were put forward to develop a special awareness of and consideration for human rights in the younger generation. Issues in this field, of specific interest to the young, were also discussed. The conclusions of the seminar were wrapped up in a report, unanimously agreed upon, and presented to the General Assembly which took note of it “with interest”.

The year 1975 was marked by an event of great significance in the field of human rights namely, the entry into force of the two international agreements approved by the UN General Assembly in 1966, after having reached the necessary number of ratifications and accessions. Taking into account this important result, the Institute appealed to all the States of the world to speed up the process of ratification, if this had not already been done, and to extend ratification to include the optional protocol on individual claims, “so that international pacts could have full legal value in as many countries as possible and operate for the benefit of human beings, men and women alike, under the auspices of responsible international organisations.”

In the following years, the Secretary-General of the United Nations continued to make full reference to the activities of the Institute in his annual report on the respect of human rights during conflict which he regularly submitted at the sessions of the General Assembly.

Such excellent relations allowed the Institute, along with Gen. Eugène Dénéréaz and Col. de Mulinen to attend, as observer, the proceedings of the United Nations Conference on so-called conventional weapons which was held in Geneva from 1979 to 1980. This event concluded with the adoption of a convention, complemented by three protocols, which prohibited the

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3 Algeria, Argentina, Bahrain, Bulgaria, Cameroon, Chile, Egypt, Finland, France, German Democratic Republic, Indonesia, Iraq, Iran, Italy, Yugoslavia, Kenya, Liberia, Libya, Malaysia, Mali, Mexico, New Zealand, Norway, Panama, Romania, Soviet Union, the Netherlands, United Kingdom, United States, Vatican City and Venezuela.

4 Resolution no. 3140 (28).
use of certain types of weapons (mines, booby traps, incendiary weapons and others) considered excessively injurious or whose effects were indiscriminate.

Towards the end of the ‘70s, the Institute began to enjoy stable relations of collaboration with the United Nations of the High Commissioner for Refugees (UNHCR) thanks to the personal commitment of Professor Patrnogic. Initially, Professor Patrnogic had joined the UNHCR in 1976 as Head of Treaties Division, going on to become Deputy Director of the Division of International Protection. A chapter will be dedicated later on to the multiple initiatives of importance developed within the framework of such collaboration.

In 1982 the United Nations Centre for Human Rights was established merging with the General Secretary’s Human Rights Division which, until that time, had been responsible for this area of interest. The Institute fostered intense and constructive collaboration also with this newly-established organ based in Geneva.

On 7\(^{th}\) December 1982 in New York, United Nations Secretary-General Javier Pérez de Cuéllar, received the President of the Institute accompanied by Vice-President Héctor Gros Espiell and Council member Erik Suy.\(^5\) The Secretary-General expressed warm appreciation towards the Institute and its activities particularly its training programmes. He insisted on the importance of collaborating on a permanent scale with the different agencies of the United Nations interested in the application of fundamental human rights and the principles of the Charter. He concluded the nearly hour-long meeting by expressing his desire and intention to visit the Institute in Sanremo as soon as his time table permitted. He proposed that the meeting be an occasion to make an official declaration before the international mass media\(^6\).

A year later, the Institute was at last granted prestigious consultative status by the United Nations. Being granted consultative status is a special acknowledgement of the United Nations (or similar international organisation) of the role and work of a non-governmental organisation (NGO).

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\(^5\) At the time, Professor Suy was Head of Legal Services at the United Nations which corresponds to the position of Under Secretary-General.

\(^6\) The visit was organised for 29\(^{th}\) June 1990 but was postponed due to the commitments of the Secretary-General and later cancelled from his agenda because of the Persian Gulf crisis at the beginning of August.
Maintaining permanent consultative relations with certain NGOs constitutes, on the basis of article 71 of the Charter, an important means of promoting the aims and principles of the United Nations. It determines a sturdy connection between the United Nations and the recognized NGO who receives appropriate and official documents. The NGO is allowed to assist at the sessions together with its own representatives, and can make proposals and present its own documents. The decision to recognize the Institute in this way was taken by the Economic and Social Council of the UN at the plenary session of 12th May 1983. The Institute, therefore, arranged to appoint its official representatives in the various UN headquarters: Ms Jane Sommerich was appointed for New York, as she was a fervent human rights activist and had already represented the Institute informally; Vice-President Patrnogic was appointed for Geneva as, from the very beginning, he had tasked himself with encouraging relations with the United Nations and other international organisations based or represented there; and founding member, Professor Ignaz Seidl-Hohenveldern was appointed for Vienna.

UNESCO

Since its foundation, those in charge of the Institute gave great importance to establishing relations with UNESCO, a UN specialised agency for education, science and culture. Such an organisation could not remain indifferent to the work promoted by the Institute in the field of teaching and dissemination of humanitarian law. Initially, contacts were limited to a simple exchange of information.

Only in 1974 did the General Conference of UNESCO adopt a resolution whereby, considering that “the generalized dissemination and teaching of the principles of international humanitarian law are an urgent necessity and constitute an important contribution to the promotion of peace”, it urged governments “to intensify their efforts to ensure that the entire population is familiar with the principles of international humanitarian law and to provide special instruction” in suitable facilities, while inviting the Director General of the organisation “to prepare, in close collaboration with the International Committee of the Red Cross and the specialist institutes, a programme designed to intensify teaching and research in international humanitarian law...” and to
include this programme in the Draft Programme and Budget for 1977-1978.\(^7\) As a consequence of the Resolution and on the initiative of the Department for Human and Social Sciences a meeting was held in Geneva in March 1976 gathering representatives of the Institute, ICRC and Henri Dunant Institute with a view to preparing a programme of initiatives to submit for approval of the General Conference at its next session. Unfortunately, this initiative did not mark any further developments of significance.

However, constructive collaboration with UNESCO took the shape of the Symposium on the Protection of Cultural property in Armed Conflict which was held in Florence in 1984 on the occasion of the 30\(^{\text{th}}\) anniversary of the Hague Convention (1954) addressing this subject, together with a consequent workshop held in 1986. More will be said about this at a later stage. However, in August 1986, also as a result of such developments, the International Institute of Humanitarian Law officially became one of those organisations with which UNESCO had official informative relations.

THE EUROPEAN COMMUNITY

Relations with the European Community (now known as the European Union), were mainly formal (e.g. invitations to conferences, transmission of documents, exchange of information) until the middle of the ’80s when the EC’s interest in legal and humanitarian issues became more pronounced.

However, in 1980 the Commission had already decided to give the Institute a substantial financial contribution towards the organisation of the Congress on Solidarity and Humanitarian Actions (see later on). From 1990 onwards, such relations were definitely strengthened particularly through the generous financial support of the EC towards the military courses and other activities of the Institute which facilitated the expansion of its programme in those years\(^8\).

Bureaucratic difficulties in the following years hampered further positive developments in such relations which deserve to be resumed today with a renewed and more concrete prospect of collaboration in mind.

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\(^7\) Resolution n\(^{\circ}\) 5 (12), session XVIII

\(^8\) In 1996 the contribution of the EU reached its peak at almost two hundred million lira (L.199,514,166) the equivalent of a little less than a quarter of the total balance sheet of the Institute. Such a result was possible thanks to the sensitive support of Daniela Napoli, Coordinator for Human Rights at the European Commission.
The years of growth

Although the Institute was created with limited resources it drew its strength from the force of its strong inspirational ideals. In the period 1972-1980, despite misunderstandings and considerable material difficulty already mentioned, it managed to consolidate its structure and acquire the necessary continuity of action.

In that period, through its courses, conferences, seminars, round tables and study sessions, the Institute encouraged the discussion of ideas and the exchange of experiences on particular themes and issues of current relevance, specific to humanitarian law. This approach became its distinguishing trait.

Work grew steadily transforming initially modest programmes to programmes that attracted experts and scholars from different backgrounds, often with opposing political or ideological views, enabling them to have friendly and constructive meetings and discussions conducted in a spirit of serenity. Such meetings became a tradition and the special atmosphere created was known all over the world, in the field of international humanitarian law, as “the spirit of Sanremo”.

The flexible and realistic approach of the Institute to problems addressed, its refusal to take unilateral positions or accept preconceptions, the discretion of its debates, the measured publicity of its reports, and its opposition to contentious behaviour are all elements that have contributed to creating such a spirit. On several occasions, the Institute was asked to take a position on grave and often obvious violations of humanitarian law and human rights by siding with public condemnation and signing appeals against this and the other government considered as responsible for such violations. I remember, in particular, the violent takeover of power and the crimes related to the repressive dictatorship of General Pinochet in Chile in 1973 and the mass arrest of dissidents following the proclamation of martial law by the military junta led by Jaruzelski in Poland in 1981.

1 The expression “the spirit of Sanremo” was used for the first time by Alexandre Hay, President of the ICRC in the speech he delivered at the Round Table of 1986, with obvious reference to the “spirit of Camp David” which at the time represented hope in a peaceful settlement of the Israel-Palestinian conflict.
The Institute, although agreeing for the most part with the reasons for such protest, and being committed to the promotion and the development of debates aimed at reaffirming the principles of humanitarian law in the case of violation and the adoption of suitable sanctions, has normally abstained from expressing its official standpoint no matter how atrocious the specific situations are.

This position was taken in order to foster dialogue among all parties rather than taking sides which would have had an alienating effect. By adopting such an approach, the Sanremo Institute maintained its principle role as an independent institution for specialised study and research in the field of international law, and as a global forum where academics and experts could meet and exchange views. By taking this position the Institute did in no way want to diminish the importance of the praiseworthy and empowering work of other organisations such as Amnesty International, although the difference in tasks and objectives had to be acknowledged.

In a nutshell, the policy of the Institute in those days upheld a steadfast loyalty to its mission and to a concrete two-fold programme of action: on the one hand, dissemination and study of the norms, and on the other, widespread promotion and dialogue among those interested at various levels. This policy was followed with determination respecting the inspirational principles of its statutes that can be defined as follows: complete moral independence and aversion to any kind of political, ideological or cultural conditioning; willingness to be of service to the international community and institutions that represent it; sincere collaboration with other bodies committed to the protection of the human being; discussion based on the respect of different opinions; voluntary service on the part of members who are directors or collaborators; international perspective, reflected not only in the various composition of membership but also and especially in the Institute’s universal approach to tackling problems.

This line of action was also influenced by the growing acknowledgement of the Institute’s role in the years when the United Nations, the International Red Cross and other important organisations, entrusted worldwide with the protection of the human being and fundamental human rights, began to consider the Institute’s work as a serious and concrete, though modest, contribution to their main cause. Indeed, the support of such international organisations and the Institute’s constant and intense rapport with such
bodies, translated into various forms of collaboration, has ultimately been its
decisive and most trustworthy resource.

At this point, a detailed account to introduce the different activities of
the Institute held in this period is not necessary.

The programme of courses for Officers of the armed forces, which began
in 1976, has already been sufficiently dealt with.

Later on, I shall talk about the Institute’s contribution to the proceedings
of the Diplomatic Conference for the re-affirmation and the development of
international humanitarian law, held in Geneva between 1974 and 1977. I
shall also talk about the numerous initiatives realised in the specific field of
refugee law. I shall, therefore, proceed with brief remarks.

In November 1972, the Institute, in collaboration with the Commission médico-juridique de Monaco, organised a round table in Menton on the
protection of journalists on dangerous missions. This subject, a burning issue
in those days and, unfortunately, even more so today, was addressed from
the perspective of the need to know and guarantee the role of information
as an effective tool for world public opinion in monitoring the respect of
human rights and the application of humanitarian conventions to situations
of armed conflict.

The same concern together with the need to assure immediate
assistance inspired the debate that took place in June of 1973 in Sanremo on
“Humanitarian law and telecommunications”. Representatives of the ICRC
and the International Telecommunication Union took part.

I have already mentioned the colloquium held in Milan (Palazzo
Sormani from 21st to 23rd September 1973), co-organised by our Institute and
the Institut international des droits de l’homme, Strasbourg, addressing an
aspect of the conventional humanitarian norm that had been rather ignored
despite its great importance, and that is: the protection of freedom of religion
and thought of victims of armed conflicts – prisoners, internees, civilian
population – and internal disturbances. The International Red Cross Review,
in particular, gave good coverage of the conclusions of the colloquium.2

2 N° 659, November 1973, pp.691-693
A meeting held at Villa Nobel in June 1973 addressed the problem of forced separation of families due to armed conflict or serious political tensions, taking into account the implications of international law and drawing from current situations. This meeting was followed up by a conference held in Florence from 13th to 16th June (1974) in collaboration with the Italian Red Cross and with the participation of governmental experts from 15 countries together with representatives from the United Nations High Commissioner for Refugees, the Council of Europe, the International Red Cross, and the Holy See.

A draft article was included in one of the four resolutions adopted on the occasion regarding the reunification of dispersed families due to armed conflict. On the proposal of numerous delegations at the conference, a substantial part of such article was then incorporated into Article 74 of the First Additional Protocol to the Geneva Conventions. A document containing the guidelines and procedures for the reunification of families, compiled by the Scientific Committee on the protection of refugees, was adopted in 1980 by the Council of the Institute and brought to the attention of governments and competent international organisations.
A conference on the sovereignty of States and international relief actions was organised in Turin in June 1975, thanks, in particular, to the valuable initiative of one of our founding members, Pietro Merlo, top manager of the public health service with a strong social attitude. The concluding resolutions of the conference reaffirmed the principle whereby international humanitarian assistance impartially conducted did not affect State sovereignty, and called upon governments to respect the norms in force encouraging them to work towards a more efficacious regulation of the subject.

The theme of relief actions in situations of natural disaster was again dealt with in a seminar held in Sanremo from 18th to 22nd October 1976 under the auspices of the Italian Red Cross and with the support of the League (nowadays known as the International Federation) of Red Cross and Red Crescent Societies.

All the rapporteurs and several participants had first-hand experience of the catastrophic earthquake, which had hit Friuli a few months previously causing a thousand deaths and widespread destruction. This disaster shocked many participants from different countries and the experience served as a point of reference throughout the seminar which concluded with a series of recommendations aimed at assuring a more efficient coordination of interventions and improved preventive information on the possible necessity of assistance on a national scale.

It has already been noted that the need for widespread knowledge of
humanitarian law should not be limited just to military circles but should extend to the whole community. With this in mind, the Institute, in collaboration with the SIOI, organised two residential training courses for teachers of Italian secondary schools on humanitarian law and education towards peace. These courses were held in Villa Nobel in September 1974 and in December 1976 respectively, under the auspices and with the financial support of the Ministry of Education. The programme for both courses was developed by eminent experts in the field using a multidisciplinary approach consisting of a seminar coupled with working groups. The 150 participants from all over Italy benefitted greatly.

There was an additional problem in the framework of the dissemination of the knowledge of international humanitarian law, namely the inadequate teaching at university level particularly concerning the regulation of armed conflicts. As mentioned before, it was as if there were some sort of psychological aversion to rules that, although preventive in nature or capable of limiting damaging effects, conjured up negative events (wars, tension or natural disaster). To overcome this difficulty, the Institute, together with the Italian Red Cross, accepted the invitation of the Faculty of Jurisprudence at the University of Florence to organise a seminar on international humanitarian law applicable to armed conflict. Around 40 young teachers and researchers from universities of central Italy took part.

Following the success of this initiative the Institute co-organised two additional seminars with the State University of Milan in 1981 and with Cagliari University in 1982, widening the scope of interest to include United Nations peacekeeping operations, international protection of refugees and international relief operations, also taking into account the norms in force regarding human rights. Merit for the success of such seminars should go to the commitment of General Pietro Verri and Professor Luigi Condorelli both in Florence, of Professor Alessandro Migliazzi in Milan and of Professor Roberto Socini in Cagliari.

In the meantime, the prestige of the Institute increased together with the attraction of Sanremo. As a result, other organisations sought out the collaboration of the Institute to organise their events. A striking example was the Society for the Study of Comparative Public Law which, at the end of the summer of 1976, held its Congress at the Institute on the rights of foreigners in comparative national legislation. Eminent scholars from 12
different countries discussed the problems concerning the legal position of foreign workers legally immigrated or otherwise present on state territory.

But particular mention should be given to the Congress of the International Society of Military Penal Law and the Law of War addressing “Human rights and the armed forces”, which was held in Sanremo from 23rd to 29th September 1976. Taking for granted that no type of discrimination regarding the fulfilment of human rights could be justified in the armed forces, debates examined the particular nature of the tasks of the military in a democratic State in respect of such rights taking into consideration burning issues such as the right to: freedom of opinion and expression; peaceful assembly and association; guarantees in case of arrest, detention and trial. These were all topics of particular interest at the time that considered certain important decisions made by the European Court in Strasbourg.

The Institute was seriously committed to such an initiative not only because it was particularly interested in the subject of the Congress but also and especially because of the very intense, friendly and longstanding relationship it had with the Society. The Society is mainly composed of military magistrates and lawyers based at the time in Brussels. The more active members of this important organisation were naturally the Belgian members led by General Henri Bosly, Auditeur Général at the Military Court, and his substitute, Albert Alexander, both members of the Institute who had given an important contribution to the launching of its programme of courses for Officers of the armed forces3.

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3 The teaching manuals for the first courses for Officers were published in full in the Revue de droit pénal militaire et de droit de la guerre.
In the framework of such constructive collaboration the Secretary-General of the Institute was co-opted to the Executive Council of the Society.

The Institute maintained friendly relations with numerous non-governmental organisations, in particular, la commission médico-juridique de Monaco; the Association for the Study of the World Refugee Problem (AWR); the International Committee of Military Medicine and Pharmacy; the International Committee on the Neutrality of Medicine; the Inter-American Institute of Human Rights; the International Peace Bureau; Amnesty International; the International Commission of Jurists; the International Union for Child Welfare; Defence for Children International; and the Swiss Association for the Prevention of Torture.
The fourth session of the General Assembly of members, held on 13th September 1980, concluded what was certainly the first and the most difficult period in the life of the Institute. The Council, whose composition had been considerably renewed, elected Jovica Patrnogic as President and four Vice-Presidents to assist him: Gaetano Adinolfi, Deputy Secretary-General of the Council of Europe; Etienne Boeri, Secretary-General of the Red Cross of Monaco and advisor to the principality for health and humanitarian issues; Héctor Espiell, Professor at Montevideo University, Secretary-General of the Organisation for the Prohibition of Nuclear Weapons in Latin America; and Enrique P. Syquia, Professor at the University of Santo Tomàs (Manila). The author of this book was reaffirmed as Secretary-General.
The beginning of the '70s proved to be the appropriate time to revise the Geneva Conventions adopted in 1949 following the tragic experience of the Second World War. Such Conventions undoubtedly constitute a wide and organic system of norms, a very advanced transcription of great current value of the legal and humanitarian principles of which, in modern times, the Red Cross has become the most qualified guardian and interpreter. However, there were still numerous and serious problems that did not have a suitable solution: for example, the commonly felt need to render the discipline of non-international conflicts more widespread and comprehensive, making it above all applicable to multifaceted and unexpected situations, as compared with traditional situations of classical warfare, which have arisen in more recent conflicts particularly due to the presence of non-state actors.

Following lengthy and complicated preparatory work led by the ICRC with the participation of governmental experts, a diplomatic conference was convened by the Swiss Government, depository of the Geneva Conventions, aimed at: reaffirming the system of norms in force in agreement with newly independent countries; developing the content regarding new military techniques; and addressing the need to assure a more efficient protection of persons and property in armed conflict. Such Conference was organised in four sessions and took place in Geneva in the period 1974 to 1977. Participants came from almost all countries of the world and representatives from liberation movements and many non-governmental organisations were also present. The Conference addressed a series of complex issues and it was not easy to reach an agreement that could be accepted by participants with very different political beliefs, culture and interests. Discussions led to the adoption of two additional Protocols to the Geneva Conventions of 1949 regarding international and so-called non-international conflicts respectively.

The adoption of the Protocols of 1977 introduced new aspects and marked a very significant step in the development of international humanitarian law. First of all, the international character of conflicts “... in which peoples are
fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination …" was reaffirmed and so guerrilla members of freedom movements were granted the status of legitimate combatants and consequently the right to prisoner of war treatment. As a result, the field of non-international conflict was narrowed down although the new norms still provided greatly improved humanitarian protection. Moreover, the two Protocols guaranteed a more comprehensive protection of sanitary personnel and a stronger protection of the civilian population and civilian property against the effects of hostilities through a specific norm which greatly affected the method and means of warfare and did away with the traditional distinction between the two systems of the law of war and humanitarian law in the strict sense.

The Institute took part in this process of strengthening and developing international humanitarian norms applicable to armed conflict, playing an important role right from the preparatory stages of the Diplomatic Conference. As already mentioned, it was called to elaborate the basic document used for debates on the subject at the Assembly of the Council of Europe. This document recommended that all State members should participate actively “with a positive and open-minded spirit”.

During the Conference the Institute contributed indirectly to discussions through the commitment of its associates who were part of the respective national delegations present. Moreover, the Institute took the initiative to offer the experts a forum for informal discussions of the more delicate and controversial issues of the negotiations. This forum created a suitable atmosphere in which they could feel free to compare views, analyse the negotiations in depth, in the absence of protocol, and consequently find practical solutions that were acceptable to governments in a total spirit of collaboration. This was made possible by organising a series of meetings in between the annual sessions of the Diplomatic Conference at the end of the summer which became known as “Round Tables on current problems of international humanitarian law” and took place in Sanremo.

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1 Protocol I, art.1/4. The principle created a deeply divided discussion between the Third World countries who supported it along with the socialist block, and those western countries who opposed it as they were concerned about the consequences that the introduction of a political and finality element in the classification of armed conflict could have on the general value and practical application of the rules. This difference of opinion was dealt with by the possibility of approving per consenso but the problem reappeared for many countries at the ratification stage.
This initiative, supported by the Swiss Government and the International Red Cross, was a success. The debates conducted in Sanremo which were attended by many heads of delegations and presidents of various committees, helped to reach a consensus on important and difficult issues thus contributing to the overall positive result of the Diplomatic Conference.

The Institute was invited to participate at the concluding session as observer with its own delegation and was widely and warmly acknowledged within international circles interested.

This period cannot be concluded without mentioning Jean Pictet, the then Vice-President of the International Committee of the Red Cross. He was an intelligent and sensitive legal expert, extremely courteous and of high integrity. Jean Pictet chaired the preparatory works which led to the codification of the four Geneva Conventions of 1949 and later edited the formidable Commentary. Considering his worldwide reputation he was called to chair the preliminary meetings of experts and later, in the context of the Diplomatic Conference, he played a leading role in the adoption of the two Additional Protocols. His presence at all the Sanremo Round Tables was important and often decisive for the results of the debates. His interest in and his liking for the Institute greatly helped in times of difficulty.
The initiative of having end-of-the summer meetings launched within the framework of the proceedings of the Diplomatic Conference continued even after its conclusion. The Institute was in fact encouraged to continue its programme of round tables as it offered a particularly suitable forum for open and constructive dialogue concerning problems of humanitarian law.

In this way, the Round Tables became an annual event that was not to be missed for experts from around the world, and for representatives of governments and international institutions. Such events aimed at keeping interest in the field alive, and they were also a response to the need for a periodical check on the effectiveness of the articles of the Conventions and the Additional Protocols when put into practice. Moreover, these Round Tables provided a useful opportunity for many participants to maintain contacts with each other, and as they had been directly involved in the elaboration of the new norms, they were best qualified to assure a common understanding in the various countries on their return home.

The agenda of the Round Tables continued to concentrate mainly on international humanitarian law applicable in situations of armed conflict, addressing issues such as the conduct of hostilities and the limitations in the use of weapons; the distinction between guerrilla warfare and terrorism; areas of special protection; legal advisers in the armed forces; the United Nations peace operations; penal sanctions; and responsibility of States if norms are violated.

Photo 39 – Bernard Kouchner, Minister for Health and Humanitarian Matters (France), attending the Round Table in 1992; Patrnogic and Syquia are next to him
However, from year to year, the agenda began to include a variety of topics which were not strictly connected with the particular issue of the conduct of hostilities, such as: disarmament and the limitation of weapons; the total prohibition of chemical weapons; the law of neutrality; the prohibition and repression of torture; the procedure for family reunification; the elaboration of the general principles of international relief; child protection; and the role of the Red Cross in the promotion of human rights and peace. In many cases, the results of debates were included in documents which were then examined by governments and the competent international bodies.

The International Movement of the Red Cross – ICRC, League, and national societies – always contributed in a significant way to the organisation of these annual Round Tables, both from a logistic and a financial perspective. Each year, one day of the event was dedicated to an important symposium of the Red Cross and Red Crescent. The various organs of the International Red
Cross were involved in the preparatory stages which included the choice of topics and the drawing up of the agenda. These tasks were co-ordinated by our scientific Committee for humanitarian law initially headed by American Ambassador, George Aldrich and then by Frits Kalshoven from Holland.

The involvement of lawyers from the ICRC was fundamental to providing depth to debates. Several were called upon to be rapporteurs: Jacques Moreillon, Dietrich Schindler, Danièle Bujard, Hans-Peter Gasser, Jean-Pierre Hocké, Sylvie Junod, René Kosirnik, Yves Sandoz, Michel Veuthey, along with Vice-President Maurice Aubert. Former and past Presidents of the ICRC were always present: Eric Martin, Alexandre Hay and Cornelio Sommaruga. The League was usually represented by its President, initially by Enrique de La Mata, then by Mario Villarroel, with Kai Warras, Henrik Beer, Massimo Barra, Jean-Pierre Robert-Tissot and Yolande Camporini. Ahmad Abu-Goura, President of the Permanent Committee of the International Red Cross from Jordan, was often given the task of moderating the sessions.

In those years, the Institute also collaborated closely with the Institut Henri Dunant, a documentation and research centre in Geneva which was founded by Pierre Boissier and whose President at that time was Jean Pictet and whose Director was Jacques Meurant.
Other names come to mind among the hundreds of international lawyers, governmental experts and experts from international bodies such as those working for humanitarian organisations who have contributed greatly to the debates at these Round Tables in Sanremo including: Antonio Cassese and Natalino Ronzitti (both from Italy); Michael Bothe, Dieter Fleck and Karl Joseph Partsch (all three from Germany); Ikbal Al-Fallouji (Iraq); Yoram Dinstein (Israel); Hans Blix and Ove Bring (both from Sweden); Ted Meron and Hays Parks (both from USA); Stanislaw Nahlik and Remigiusz Bierzanek (both from Poland); Eric Kussback (Austria); Bosko Jakovlievic and Kosta Obradovic (both from Yugoslavia). Many others should be mentioned but the list would be too long. Everybody, however, joined in with an open heart and a sincere wish to exchange ideas and viewpoints in the search for a solution to the problems concerning the application and development of international humanitarian law, and for future action by analysing present norms and practice.

The September Round Table will reach its 32nd edition this year (2009). The agendas of the more recent Round Tables have gradually adapted to reflect current emergencies consequently addressing such issues as: the evolution of the right to assistance in serious humanitarian crisis resulting from war in the territories of the Former Yugoslavia; the Iraqi invasion of Kuwait and the subsequent intervention of multi-national armed forces under the emblem of the United Nations; assistance to people from countries suffering from an embargo; the suffering of populations and humanitarian challenges as a consequence of the disintegration of States (such as Somalia); conflict prevention from a humanitarian perspective; humanitarian law and peace operations.

The not so encouraging events regarding international politics and the permanent or recurring tensions in various parts of the world, often leading to the widespread and increasingly worrying acts of terrorism, have made the need for open dialogue all the more necessary. Collaboration at all levels should be promoted to prevent or at least reduce as much as possible the sufferings of victims. This can best be done by applying those humanitarian norms that express the common moral conscience of peoples and constitute the obligatory pathway towards civil advancement and pacific co-existence of peoples from all over the world.
The Refugee problem

The political events following the Second World War highlighted the serious refugee problem present in various parts of the world.

Unfortunately, the painful experience of women, men, the aged and children forced to leave their own homes and their own territory as a consequence of relentless military losses, unforgiving ideological persecution or massacre fuelled by racial hatred or some other type of discrimination, is increasingly becoming a characteristic of our troubled era.

From 1978 the Institute began to show concern for the serious legal and humanitarian problems caused by the mass exodus of asylum seekers, particularly involving South East Asia, as an aftermath of the Vietnam War. In the same year, the Institute organised a meeting of experts in Sanremo on the progress and development of international law applicable to this field of interest. A badly organised and disappointing conference of plenipotentiaries on territorial asylum had just been concluded in Geneva without reaching the results hoped for. Consequently, the Institute was invited to organise a series of meetings on a regional level addressing the main aspects of the same topic with a view to organising another conference in the future.

As a result, a year later, the Institute organised a colloquium in Florence on refugees in orbit, namely the mass of people who were fleeing from Vietnam and other communist regimes in Indochina, painfully searching for asylum but who were refused access to country after country due to a deformed application of international norms, or precluded for bureaucratic reasons.

In 1980 the humanitarian crisis had worsened and was also aggravated by the sad phenomenon of the boat people in the South China Sea. In response to this situation the Institute, in collaboration with the University of the Philippines and under the auspices of the United Nations High Commissioner for Refugees (UNHCR), organised a conference to examine in depth the more urgent problems concerning the protection of asylum
seekers, gathering together experts from governments in the region\(^1\). The Manila Conference, upholding the principle of *non-refoulement* and the necessity to assure that asylum seekers be received at least temporarily in the first country of asylum, brought to the fore the fundamental role of solidarity and the duty of international co-operation in the case of mass exodus. A working group was established to examine the problems in depth. The same working group then drafted a document, containing its conclusions, which was adopted a year later in Sanremo and disseminated to governments and interested international bodies.

In the same period legal, social and organisational issues relating to assistance and programmes to integrate Indochinese asylum seekers in countries of asylum were discussed in a colloquium organised in Sanremo in collaboration with German humanitarian organisations.\(^2\) At the closing

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\(^1\) 12 governments were represented: Australia, Bangladesh, China, Philippines, Japan, Hong Kong, India, Indonesia, Pakistan, Singapore, Thailand and Vietnam.

\(^2\) German Caritas and *Diakonishes Werk* of the evangelical church.
session, comprehension and co-operation of hosting countries were encouraged while also considering voluntary repatriation where possible, with the provision of appropriate economic support.

Following this event the number of mass flows became the principle factor that determined the magnitude of the refugee problem and the necessity of a global response from the international community regarding both the causes and consequences. With this in mind, an informal meeting of governmental experts and international organisations was convened in Sanremo in 1981 to discuss problems arising from the great number of requests for asylum. This resulted in a serious consideration of concrete situations, taking into account political, social and economic factors, usually at the origin of the forced migration of entire populations, while also confirming the principles of international law in the matter of asylum and freedom of movement of the person. In particular, the principle, whereby, in cases of mass exodus, the country of refuge should act in the name of the international community, was reaffirmed since that country had a duty to co-operate and offer its solidarity.

The subject was further developed at a follow-up meeting specifically addressing the pre-flow aspects. On that occasion, the flagrant and systematic violations of humanitarian law and human rights, armed conflicts, together with foreign occupation often accompanied by unacceptable socio-economic conditions, were defined as being the main causes of mass flows.

The need to consider the problem within the wider context of current international law was confirmed, basing the obligation of States to avoid
provoking situations of mass flows of peoples on the principles embodied in the United Nations Charter and the Declaration concerning friendly relations as well as the conventions on humanitarian law and human rights treaties.

At the beginning of 1983 the Nigerian Government, as a result of serious economic problems, expelled almost one million foreign workers who had, until then, been received in the country. The methods used caused concern on both the political and the international level. That specific issue highlighted the problem of mass expulsion and the lack of legal and humanitarian preparedness.

The Institute decided to take the initiative by organising a meeting of experts in Sanremo once again. Having acknowledged the inadequacy and the fragmentary nature of existing laws in the field, the experts expressed certain binding principles in their conclusive report: in particular, measures used for mass expulsion of foreigners in extreme cases, however justified, should not cause unnecessary suffering to the people involved or the violation of fundamental human rights which unfortunately happens in practice due to the arbitrary and vague nature of such measures. The need, therefore, of a global approach to the phenomenon was recognized by adopting principles and guidelines to ensure humane and equal treatment where forced expulsion was inevitable.

At this point the Institute felt the need to face the issue of mass movement and its multifaceted aspects from a global perspective. It, therefore, organised a conference in collaboration with the Italian Red Cross and various international bodies that took place in Florence in June of 1983. This event was open to experts from various sectors, who were ready to offer their advice on the formulation of generally valid principles and assist in the search for solutions which, with the exception of particular situations, could encourage the realisation of a new economic and humanitarian order. With humanitarian problems linked to mass migratory flows in mind, the Institute established close collaboration with an organisation greatly involved in this field, namely, the Inter-governmental Committee for Migration (now called International Organization for Migration).
From then on the refugee problem benefitted from this new and wider perspective whereby voluntary repatriation was the ideal solution, also in the long run, and the only practical approach when vast numbers of refugees were involved. This solution also called for the adoption by countries of origin of appropriate measures encouraging the return of asylum seekers and the need for international guarantees for the effective application of such measures. This topic was addressed in two successive meetings of government experts representing, on the one hand, countries of asylum and on the other countries from South East Asia (Sanremo, July-August 1985).

Considering the problem from a broader perspective did not prevent the Institute from focussing on specific aspects of the problem of asylum seekers and their need for protection. The Institute, in fact, organised a working group in June of 1984 to discuss the treatment of asylum seekers with particular emphasis on detention and the aspects of legal guarantees and limitations of freedom of movement, bearing in mind the validity of the principle whereby the formally irregular presence of an asylum seeker in the territory of a State neither justifies the use of detention nor makes his or her presence an illicit act.
The issue of family reunification, which had already been addressed by the Institute in previous years at a conference in Florence, was taken up again in December of 1986 at a meeting held once more in the Tuscan city. Experts attending expressed their concern for the ever-restrictive politics and procedures of many governments in the field of immigration. After having considered the procedure of family reunification adopted by the Institute in 1980 it was decided that there was a need to respect the principle of family reunification as the condition for improving life, and that international instruments with this objective in mind should be taken into due consideration.

The special attention the Institute paid to the crucial humanitarian problem of the protection of asylum seekers was officially formulated in the declaration in principle approved by the participants of the XIV Round Table in 1989. A part of this declaration was later considered as a type of “Martens Clause”: “In situations not covered by international Conventions in force, refugees, asylum seekers and displaced persons are nevertheless protected by the general principles of international law, by humanitarian practices of international organisations accepted by States, by the principle of humanity by the rules on basic human rights, and by public consciousness”. This declaration had the full support of numerous international organisations and more than 20 national Red Cross Societies.

Photo 46 - Seminar on Refugees in Arabic countries, Cairo (1992)

3 The "Martens Clause", named after the Russian lawyer.
It is impossible at this point to give a detailed account of all the initiatives – working groups, expert meetings, and declarations of principle – addressing innumerable issues in the field of refugee law, such as: definition of “refugee”; asylum procedures; integration of asylum seekers; protection of migrants and asylum-seekers; role of non-governmental organisations; international co-operation; and preventive measures.

However, two specific programmes do need mentioning more fully, namely, regional seminars and didactic courses. During the period 1984 to 1992, the Institute organised four seminars on asylum and the application of refugee law in Arabic countries using the structure it had already adopted for its previous meetings dedicated to the refugee problem in South East Asia as has already been mentioned. These seminars, under the auspices and with the support of the UNHCR, were held respectively in Sanremo in 1984, in Tunis in 1989, in Amman in 1991 and in Cairo in 1992. Participants were highly qualified experts from around 15 Arab countries, from OLP, the League of Arab States, the ICRC, the League of the Red Cross and Red Crescent Societies and various humanitarian organisations. Realising the worrying fact that most refugees in the world came from or were hosted by Islamic countries, the seminars underlined the foremost and mandatory need for the application, according to the differing situations, of fundamental principles of refugee law (asylum, non-refoulement, humane treatment, voluntary repatriation, international co-operation and solidarity). Arab governments were encouraged to accede to the Refugee Convention of 1951 and vote for a rapid elaboration and adoption of an equivalent Arab Convention relating to refugees.

Appeals were made to the international community and to the Arab States in particular, to take on their responsibilities and humanitarian duties and provide assistance to countries more seriously affected by mass flows of asylum seekers. The urgency to ensure effective international protection of Palestinian asylum seekers, without prejudicing their inalienable right to self-determination, became evident. At the end of the fourth seminar these findings were formalized in a document approved and later disseminated called the “Declaration of Cairo”.

Conversely, a series of regional seminars addressed East European countries. Since the protection of refugees was dealt with from a broad humanitarian point of view, this topic will be approached at a later stage.
Photo 47 – Workshop activity during the refugee law courses

Photo 48 – Mrs Sadako Ogata, the United Nations High Commissioner for Refugees (1995), intervenes at one of the courses in Sanremo (1995)

Photo 49 - Workshop activity during the refugee law courses
The programme of courses on international refugee law, initiated in Sanremo in 1982 together with the decisive involvement of the UNHCR, was most probably the initiative which had the greatest impact. The programme aimed at the wide-scale promotion of the workability of the norms in force so those who were called to apply them became more aware and informed. The inadequacy of certain countries when it came to applying the norms was, in fact, often due to the operators not having enough information. From the very beginning, therefore, courses were addressed especially to government officials dealing with the treatment of asylum seekers, and, later on, to the personnel of international organisations and non-governmental organisations working in this particular field.

The management of the courses was in the solid hands of the Institute and the UNHCR with most of the teachers being chosen from among their officials or former officials including Ghassan Arnaout, Ivor Jackson, Gilbert Jaeger, Erika Feller, Shamsul Bari and Kamel Morjane. The remaining members of the teaching staff were selected from among university-based experts and other independent experts such as Guy Goodwin-Gill, Atle Grahl-Madsen and Goran Melander.

The teaching programme examined the legal and organisational aspects of the existing system of refugee protection and assistance at all levels – universal, regional, national – paying special attention to the different geographical areas. Practical problems that were considered in depth regarded the definition and the status of the refugee and asylum-seeker, the principle of non-refoulement, mass flows and family reunification, the role and tasks of the UNHCR, always keeping in mind the relevant references to the norms of humanitarian law and human rights. The didactic structure of the one-week courses allowed plenty of time for workshops after the plenary sessions.

Unfortunately, at the initial stages, contingent budgetary difficulties facing the UNHCR, the main financial supporter, resulted in the occasional postponement of the courses from one year to the next. However, the programme soon progressed from an annual course in English and French with simultaneous translation to well-attended, regular and distinct courses in one or the other language. In more recent years, courses in Spanish and Arabic were added. By the end of 2008, 49 general courses and more than 4 thematic courses (advanced) had been run on refugee law and human rights involving over 2000 participants from 161 countries.
Such intense activity in this field enjoyed the fundamental support and constant collaboration of the UNHCR. Based at the headquarters of the UNHCR in Geneva, Professor Patrnogic was permanently in contact with leading figures of the organisation and dealt with the elaboration of the programmes, the selection of participants, speakers and teachers for the courses, conferences and workshops. Qualified lawyers and other experts from UNHCR contributed in a decisive way to the various initiatives with their ability and experience. UNHCR bore most of the organisational expenses and edited, published and disseminated the proceedings of the conferences and reports of the meetings of experts. In the framework of such strong collaboration, the International Institute of Humanitarian Law was tasked with the management of the Documentation Centre of the UNHCR in Geneva for a few years according to a special memorandum of understanding.

Three members of the UNHCR staff deserve special mention for favouring such a far-reaching and profitable relationship between the two organisations, and they are: Gervase Coles, Jean-Pierre Colombey and Michel Moussalli. Gervase Coles had a deep legal knowledge and sensitivity and an enormous capacity for work, a quality that was clearly evident in his long-lasting commitment as a speaker, writer and facilitator at debates. Jean-Pierre Colombey proved to be particularly important in dealing with the techno-administrative aspects of the different activities and editorial matters. Michel Moussalli, as director of international protection, often had a crucial influence on the UNHCR’s policy concerning the Institute and he assured the presence of highly qualified participants at the courses and the different meetings. All three were members of the Institute and Moussalli would later be recommended as president of the Institute.

The Swiss Federal Office for Refugees also supported and still supports the programmes of the Institute in this specific sector both financially and by providing experts to attend the various activities.

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4 Mention should also be made of the Raul Wallenberg Institute of Human Rights and Humanitarian Law, Lund (Sweden) for its collaboration at certain events.
In celebration of its 10th Anniversary the International Institute of Humanitarian Law organised a Congress on international solidarity and humanitarian actions, in which skilled experts and outstanding international personalities took part. Since its very foundation, the Institute has made a constant effort to combine the study of and the search for solutions to current practical challenges giving great importance to the role of the international community.

The Congress, which was organised in Sanremo in September 1980, aimed to reaffirm confidence in this approach. After an updated and accurate analysis of the challenges and people’s needs (peace promotion, development, defence of human dignity and individual rights, refugee protection, child protection, rescue of victims of natural disasters), an evaluation of the role played by governments and the intergovernmental entities was examined with the attempt, although ambitious, to establish a notion where international solidarity was perceived as a fundamental human right. The proceedings of the Congress, collected in a 400-page stencilled manual and edited by UNHCR, were widely disseminated within interested circles.

The above-mentioned approach, which provides the best ground for an organic interpretation of the norms of international law, also fosters the identification of the more or less obvious links among the different legal systems. The Institute had the chance to study the possible formulation of various fundamental principles, relevant to different domains (humanitarian law, human rights law, refugee law, migration law, relief law) and applicable in different situations, with the aim of making the norms protecting people more general and efficacious.

Those present included: the United Nations High Commissioner for Refugees, Poul Hartling; the Deputy Secretary General of the European Council, Gaetano Adinolfi; the President of the ICRC, Alexandre Hay; the Secretary General of the League of Red Cross Societies, Henrik Beer; the Italian Under-Secretary for Foreign Affairs, Hon. Libero Della Briotta; Father Carlo Messori Roncaglia on behalf of the Holy See; the Nobel Peace Prize Laureate, Seán MacBride.
This objective led to the organisation of the two meetings, which took place in Sanremo (1984) and in Monaco (1985). Experts and researchers from different spheres of interest contributed to a preliminary analysis of the points of convergence in the various branches of international law. They aimed at identifying common fundamental principles, not necessarily to include them in new legal texts but rather to ensure a coherent interpretation and application of the different legislations already existing.

Continuing along these lines, the Institute organised a congress on “International Solidarity and Humanitarian Actions” which was held in Sanremo from 3rd to 6th September 1986. The event, attended by the
representatives of the main international organisations and more than 40 countries, was officially included in the programme of the International Year of Peace, proclaimed by the United Nations General Assembly. The aim of the Congress was to propose to governments, and to the other actors engaged in humanitarian activities, a common reflection on respective contributions to the promotion and maintenance of peace along with an in-depth examination of the perspectives of ongoing humanitarian actions throughout the world to improve their potential efficiency.

The close connection between the protection of human beings and the establishment of a real peace emerged from the multifaceted experience of the humanitarian initiatives aimed at assisting victims of natural disaster or environmental damage, of poverty and famine, or of armed conflicts and other man-made disasters. Participants taking part in the debate unanimously agreed on the idea that a durable peace may be achieved and preserved only in a world of justice.

The proceedings coincided with the 90th Anniversary of the death of Alfred Nobel in 1896 giving more importance to the celebrations of the Nobel Peace Day held in Villa Nobel. The Swedish Minister, Anita Gradin,
and the Representative of the Nobel Foundation intervened, while Sean MacBride, Dean of the Nobel Peace Prizes, addressed a passionate appeal to world public opinion to push governments to embrace general and total disarmament, the essential condition for the peaceful development of humanity. The United Nations Secretary General awarded the Institute the special Peace Messenger Award for its efforts in the peace building process. The proceedings of the Congress were published in full under the supervision of the European Foundation Dragan.  

The Institute’s third Congress, “United for the Respect of International Humanitarian Law” (1995) which followed its Foundation Congress, took place in Sanremo from 6th to 9th September 1995. The event marked both the Institute’s 25 years of activity and the 50th anniversary of the creation of the United Nations. During the Congress, organised upon request of the international organisations engaged in humanitarian actions, a strong message from Secretary General Boutros Ghali was read out.

2 Thanks to the availability of its founder, President Giuseppe Costantino Dragan, Member of the Institute, the European Foundation Dragan has often published the acts of the annual round tables and other conferences held at the Institute.
He urged that the legal basis of international action be expanded to include criminal jurisdiction considering the intensity and brutality of current civil wars. He also highlighted the necessity of “humanitarian diplomacy” in support of international law. Issues tackled during the Congress included: the United Nations’ role in respecting international law and fundamental human rights in situations of conflicts; the protection of victims of conflicts through the creation of safe areas and emergency corridors; protection of asylum seekers during conflicts and the difficulties of repatriation in post-conflicts; along with the practical tools for the promotion of a greater respect of humanitarian law.

At the end of the Congress, the 25 years of activity of the Institute since its foundation was examined and attentively analysed. In addition, the Institute presented a declaration on the situation and the ongoing developments of international humanitarian law.
The tragic events occurring in Africa, Asia and in the Balkans led to a concerned reflection on the necessity for a more efficacious system of the protection of peoples. In the face of the flagrant violations of fundamental human rights and humanitarian law in different situations of armed conflict, emphasis was placed on the need for States to recognize and respect the individual and collective right to humanitarian assistance. This right cannot be sacrificed to the principle of state sovereignty, even if it is solemnly referred to in the United Nations Charter.

Attention was given to the experience of the multinational forces in former Macedonia and in Kosovo, where militaries often found themselves having to give humanitarian assistance, and to the importance of co-ordinating the different entities working on the field with their different mandates.

In the period between 1980 and 2000 the activities of the International Institute of Humanitarian Law increased remarkably. In the previous chapters I dealt with the different teaching courses and the annual round tables. However, in addition to the important congresses already mentioned, other meetings, conferences, seminars and workshops on specific issues were also organised in those years, generally in collaboration with or supported by other institutions. As there is not enough space to dedicate sufficient time to each event, I shall simply list the most relevant ones:

- Colloquium on the right to health protection as a fundamental human right, perceived in the interrelation of its multiple aspects: legal-humanitarian, political-social, economic-administrative, techno-organisational, professional-deontological (Turin, 1983);
- Symposium, organised to mark the 30th anniversary of the Hague Convention on the protection of cultural property in armed conflicts, and to underline the need to support the role played by UNESCO in this domain, taking into account the rapid technological evolution of modern war means, and the consequent meeting of experts that focussed on the risks linked to this evolution together with the study of appropriate measures to guarantee the effective application of that Convention (Florence, 1984 and 1986);
- Seminar on the activities of the National Information Bureau carried out by the Red Cross National Societies and by the Central Agency of the International Committee of the Red Cross in situations of armed conflict, as a subsidiary activity to the institutional one covered by governments, but also including those activities conducted in peace time involving
migrants and refugees, natural disasters and other situations of public emergency (Stockholm, 1986);

• Round Table on a draft statute on the status of personnel and volunteers of international and national organisations to ensure better protection when in action (Monaco - Montecarlo, 1987);

• Round Table on the use of chemical weapons in armed conflicts, clearly considered as illicit as they are indiscriminate and cause unnecessary suffering (Monaco - Montecarlo, 1989);

• Seminar on the protection of human life and civil defence, where all measures aiming to prevent or limit the effects of natural and technological disasters were analysed with the objective of adopting common organisational standards for a more efficacious coordination of interventions and more intensive international collaboration (Taormina, 1990);

• Consultation in co-operation with the International Peace Academy on the prevention of conflicts, with reference to acceptable measures to prevent situations of conflict, as well as actions to put into place in the case of ongoing situations of conflict (New York, 1994);

• Conference on the respect of human rights in situations of emergency, particularly in armed conflicts promoting a deep reflection on the actual character of the International Pacts on human rights 30 years after their adoption (Taormina, 1996);

• Meeting of experts on the rights and the human dignity of migrants which created concrete directives and proposals for more effective action in this sector (Ferney-Voltaire, 1996);

• Meeting on the protection of migrants in Europe, with the participation of experts representing 13 governments, in which the approaches adopted by the different countries towards specific issues, such as temporary protection and State obligation to give consent for their citizens’ repatriation, were analysed (Zurich, 1996);

• Symposium on the resettlement of refugees in a country different from the one of first reception, dealing with its legal, political and humanitarian aspects (Madrid, 1997).

In those years, a training programme on human rights and legal administration was also created for magistrates, police officers and legal advisors coming from developing countries. The programme was organised
in collaboration with the United Nations Centre for Human Rights and was completely financed by the Italian Government within the framework of providing technical assistance to developing countries. The programme mainly addressed the international human rights protection system placing particular focus on the legislation against torture, racial discrimination and apartheid. Issues related to the functioning of criminal law, police tasks and the treatment of detainees were among the other issues discussed. The first course, which took place in 1988, was geared for Central American countries. Two other courses, held in French and in English respectively, took place in 1991 and in 1992. These courses were addressed to African countries, and made particular reference to the African Charter. Some representatives of the African Commission for Human and Peoples’ Rights participated.

However, the most original and to a certain extent bravest initiative, considering the tension and deep political division rife at the time, was the series of annual meetings of experts coming from countries of Central and Eastern Europe, belonging to the so-called Socialist Zone. This initiative was created on the request of the United Nations High Commissioner for Refugees and of the International Committee of the Red Cross. The Institute has continued to organise such events since 1984.

Benefitting from its independent position and aware of the need to throw light on humanitarian law all over the world, the Institute proposed to involve the countries in that area in its meetings organised as seminars on international humanitarian law in the contemporary world, and in its efforts to promote and disseminate the principles which inspired this very law. It was a very positive experience because the seminars, which were always organised in the capital of a different country, attracted great attention and the participation of governmental personalities, high ranking military Officers, academics, representatives of cultural organisations and different national Red Cross Societies. As a consequence, on a general scale, the seminars resulted in a better comprehension of international humanitarian law in those countries and encouraged the involvement of institutions, academies and other people working in this domain.

ranged from the respect of human rights to measures to maintain or restore peace; from the application of humanitarian law to conventional and nuclear disarmament; from the movement of peoples to the dramatic plight of many asylum seekers; from social and economic development as a condition to life for a consistent part of humanity to international co-operation and solidarity.

The overriding importance of the responsibility of governments regarding these issues was acknowledged and urgently called for an open and constructive dialogue, at all levels, to create a truly humane world. Participation at the meetings was gradually extended to other experts coming from other European countries making the exchange of views and proposals on the prospects and development of humanitarian actions broader and more fruitful.

The deep change in inter-European relations, with the fall of the Berlin Wall in 1989, did not bring about the end of the programme but it did influence the debates which characterized the years that followed. Already in June 1990, in recognition of the renewed unity of Germany, political authorities and academies from both sides, together with the two still distinct national Red Cross Societies were asked to collaborate in the organisation of the 7th seminar which opened in East Berlin and was concluded in West Berlin in the historical building of the Reichstag. Experts from 20 European countries and from America took part in the proceedings, totally reviewing the original spirit of such seminars which had been seen as a forum restricted to the so-called socialist countries of Central Eastern Europe.

In the following editions, as a result of the political changes and the ongoing democratic processes in those countries, these seminars became a real opportunity for lawyers and humanitarian personnel living in a reconciled Europe to meet, exchange ideas and experiences and reflect all together on the more serious humanitarian issues which were increasingly in need of urgent solutions, not only in Europe but also throughout the world.

The meetings in Prague (1993), Sofia (1994), Warsaw (1995), Bucharest (1996) and Moscow (1997) analysed the different aspects of the complex issues regarding the movements of populations in East European countries, particularly resulting from armed conflicts in the territory of Former USSR and Former Yugoslavia. Such countries were unprepared to deal with the resulting internal problems. Once the two parts of Europe became more integrated the programme was ended as it had served its purpose.
In this period of expansion, Professor Fausto Pocar, Deputy Vice-Chancellor of the University of Milan and President of the International Criminal Tribunal for the Former Yugoslavia and Rwanda, began to play a particularly important role. He was joined by two young Italian students, destined to become two of our best internationalists, namely, Edoardo Greppi and Gabriella Venturini. Greppi, Secretary of the Piedmont section of the SIOI, was our point of reference for our relations both with the Training Centre of the ILO and the United Nations Staff College.

Over the years, one of the apparently marginal aspects in the Institute’s growth was represented by the interest and friendliness shown by many cultural and artistic experts traditionally sensitive to the humanitarian cause. To be sure, well-known international actors, such as orchestra conductor Jurij Aronovic, singer Barbara Hendrix, pianist Justus Franz, filmmaker Stanislav Stanojevic, the great actor Peter Ustinov, to mention just a few, made their appearance at the Congresses and other manifestations of the Institute.

It soon became apparent that the important expansion of the Institute called for a consistently larger organisational structure, always in keeping with its limited financial resources.
In the middle of the 90s the permanent staff of the Institute was composed of six members: three secretaries, one accountant, one librarian and a legal collaborator, Stefania Baldini, who had served as a voluntary nurse in the Italian Red Cross and had attended an IIHL military course two years earlier. As for courses and round tables the Institute resorted to temporary staff for the time necessary. In 1989, the Institute was given its first computer.

Even though financial resources were increasing they still remained inadequate when compared with the Institute’s need to develop. For years, it was difficult to balance revenues with expenditures, until, in 1998, a consistent decline in international contributions coupled with the devaluation of the dollar caused a heavy deficit of about 250 million lira. A project for a financial reform was elaborated with the support of a fundraising plan entrusted to our strongly committed partner Frank Verhagen, former employee at FAO and other UN agencies.
However, the call addressed to governments and other institutions did not achieve great results, most probably because of the difficulties existing at the international level.

In the meantime, however, the Institute received an important bequest by Antonio Varoli, a professional from Sanremo. I met Varoli, who was both a doctor and a journalist, when he requested documentation for an article on the Institute. We kept in touch for certain promotional activities involving the Institute.

In February of 1997, he phoned me to tell me he was seriously ill. He asked me to meet at his home, where he confided he had only a few weeks to live. He expressed his intention to leave the Institute the majority of the bonds he conserved in a bank in Lugano. In return, he wanted to be considered as a Member of the Institute. He also asked me to be the executor of his will. Antonio Varoli died two months later and the Institute was bequeathed half a billion lira, plus about a hundred million lira in interest to be used “under the direction of the Secretary-General, Doctor Ugo Genesio”.

Around the middle of the 1980s, on the initiative of President Patrognic, a liaison office was established in Geneva. Initially, it was hosted at the headquarters of the United Nations High Commissioner for Refugees and then, for a short period, on the premises of the World Health Organization. From 1996 onwards this office had an independent seat in the very central street of Rue de Lausanne until it moved to the new building of the World Meteorological Organization. It has recently moved to the building of the Centre for Security Policy, close to the big international organisations.

The managerial structure of the Institute, established, as already mentioned, after the Assembly of 1980 with Patrognic as President, Adinolfi, Boeri, Gros Espiell and Syquia as Vice-Presidents, Genesio as Secretary-General, did not change for more than 10 years. There was one exception and that was when Dr Boeri had to resign because of his age in 1983 and was
substituted by the lawyer, Kéba M’Baye, Member of the International Court of Justice, Member and former President of the Supreme Court of Senegal.

In 1986, the accountant, Dr Nicola Lanteri from Sanremo, became treasurer of the Institute following on from Dr Pietro Donato.

In 1991, Professor Patrnogic resigned for personal and health reasons receiving the title of Honorary President, in recognition of the great job he had done for the Institute over the years. Vice-President Syquia took over as President on a provisional basis. In this transitional period, with the Assembly of Members approaching and the consequent decisions to be made, the UNHCR and the ICRC proposed the candidature of Michel Moussalli as president. Michel Moussalli was a brilliant Lebanese lawyer, with Swiss citizenship, and was a high-ranking official at UNHCR. He certainly had all credentials and his contribution to courses and other programmes in the field of refugee law, as has already been said, had always been of great value. However, the initiative of the two international organisations was seen, maybe wrongly, as an attempt to interfere in the internal decisions of the Institute which would have harmed its independence.

It was no easy task for the Secretary-General to explain the reasoning behind such a decision at the various meetings also held in Geneva.
In all events, as a result of the extraordinary General Assembly of Members convened in November 1992, Vice-President Héctor Gros Espiell was called upon to become the first non-European President of the Institute. The two Vice-Presidents elected were: Enrique Syquia and Carlo Russo; the latter had been Minister and Under-Secretary of State several times, and former Judge at the European Court of Human Rights in Strasbourg. The Secretary-General was reconfirmed yet again. Professor Gros Espiell had been Foreign Minister in Lacalle’s Government following the re-establishment of democracy in Uruguay. He had previously worked as special representative of the United Nations Secretary-General for Western Sahara issues. At the time of his election as President of the Institute, he was serving as Ambassador for his country in Paris. For four years Gros Espiell worked so hard and admirably that his mandate should have been renewed in 1996, but he declined.

At this point, Professor Patrnogic decided to renew his candidature for the presidency and was elected again. A tense period followed as some felt that the role of the Institute and its possibilities of future development, which also affected the managerial structure and the profile of the leadership, needed to be re-considered. Furthermore, the autonomous management of the liaison office in Geneva was also questioned. As a result, when the clash of opinion between the Secretary-General and Professor Patrnogic concerning their respective positions and institutional competencies became blatant and irreconcilable the Secretary-General stepped down in March 1999. Vice-President Russo and Treasurer Lanteri also stepped down. The Council re-elected Patrnogic with Giorgio Blais, Rolph Jenny and Fausto Pocar as Vice-Presidents. Stefania Baldini was selected to be in charge of the Secretariat, after having been co-opted on to the Council for that purpose.
The San Remo Manual

It seems appropriate that, when talking about the multiple initiatives conducted by the Institute in its near 40 years of activity, a special space be dedicated to its publication: the San Remo Manual on international law applicable to armed conflicts at sea, fondly nicknamed by Yoram Dinstein, as the “Beauty”.

Since 1907, when the Hague Conventions were introduced, the laws of sea warfare had practically come to a standstill compared with the more recent evolution of international humanitarian law. The second Geneva Convention purely addresses the protection of the wounded, sick and shipwrecked. The field of sea warfare did not experience the corresponding developments seen in the rules governing land warfare through the adoption of the First Additional Protocol of 1977\(^1\). Such limited progress can be attributed essentially to the gradual acknowledgement over the years of customary law as opposed to a real elaboration of rules through treaties.

The Institute, therefore, acknowledged the need to update existing rules so they would reflect, on the one hand, the progress made in the field of international law of armed conflict, and on the other, the changed conditions and techniques involving sea warfare.

As a consequence and on the proposal of Professors Natalino Ronzitti from the University of Pisa and Frederick Goldie from Syracuse University (USA), the Institute organised a meeting in Sanremo in June of 1987, convening experts from 18 different countries. The meeting also attracted the attention of the International Committee of the Red Cross who supported the study of the problem\(^2\).

A round table was held in Madrid in September of the following year where a more specific approach was discussed highlighting the limits of the rules of that time, especially regarding naval blockades and the so-called

\(^1\) The norms of the First Additional Protocol regarding naval operations are simply aimed at a more effective protection of hospital ships (art.s 22-23) as well as prohibiting attacks on land targets that could involve the civilian population or civilian objects (art.49).
\(^2\) The concluding statement of the meeting in Sanremo noted that “...new technologies and methods of warfare, new developments in the law of armed conflicts and in the law of the sea and the increased possibilities of grave harm to the environment as a result of armed conflict at sea, require study in the light of the principles (of international law applicable in armed conflict)”.
exclusion zones. At the end of the meeting, the Madrid Plan of Action was adopted whereby workshops would be organised to discuss the issue more in depth leading to the elaboration of a manual along the lines of the *Oxford Manual on the Laws of Naval War governing the Relations between Belligerents* adopted by the Institute of International Law in 1913. At the time the Oxford Manual had updated relevant international law but no updates had been made since. The new manual would provide a modern version of the text aimed at promoting more widespread knowledge and a better understanding of the rules among navy Officers worldwide. It would also serve to register the state of the rules in force along with the later interpretative advances over the years regarding the overall evolution of international law.

The meetings that followed were organised in collaboration with local centres specialised in research and with military authorities of the respective countries. Such meetings were held in Bochum in 1989, in Toulon in 1990, in Bergen in 1991, in Ottawa in 1992 and in Geneva in 1993. The meeting in Bochum served to examine the concept of military targets and the so-called principle of distinction in armed conflicts at sea more thoroughly based on a preliminary report given by William Fenrick from Canada. Methods and means of sea warfare were discussed at the meeting in Toulon, paying particular attention to the use of mines and long range weapons in the light of the general principles of humanitarian law. A presentation on this subject was given by Gert-Jan Van Hegelsom from Holland. Topics discussed at the meeting in Bergen included the impact of the United Nations Charter on the rules in force in the field of sea warfare. Wolff Heintschel von Heinegg from Germany was the speaker. The Ottawa meeting tackled the delicate problem of war operations in different naval areas including territorial seas, the continental shelf, straits and exclusive economic zones, which was presented by a preliminary report addressed by Horace Robertson from the USA. Finally, the meeting in Geneva discussed both the principle of protection of victims in armed conflict and the principle of the protection of marine environment. Louise Doswald Beck, member of the legal branch of the ICRC, was the speaker.

The Project was continued through the efforts of around fifty specialists in international law and naval experts from 22 different countries\(^3\), all participating on a personal basis but also selected to maintain a geopolitical

\(^3\) Argentina, Australia, Austria, Belgium, Canada, China, Croatia, Egypt, France, Germany, Japan, Great Britain, Iran, Israel, Italy, Norway; The Netherlands, Russia, Singapore, United States, Sweden and Switzerland.
balance. Those who stood out for their consistent and intense contributions to debates, apart from the speakers and Professor Ronzitti, were Admiral Giovanni Clara (Italy); Ove Bring and Frank Rosenius (Sweden); Arne Willy Dahl (Norway); Yoram Dinstein (Israel); James H. Doyle and George K. Walker (USA); Leslie C. Green (Canada); Christopher Greenwood (UK); Salah El-Din Amer (Egypt); and Ivan A. Shearer (Australia). The speakers at each meeting formed a small group, co-ordinated by Louise Doswald-Beck, with the task of rendering the texts homogeneous and writing out an accompanying explanation in the form of a commentary indicating the legal sources behind each single provision.

The conclusive meeting was hosted by the *Istituto di guerra marittima* in Livorno from 9th to 12th June 1994, supported by the Italian General Staff of Defence and Navy. The final results of the research entitled: *San Remo Manual on International Law applicable to Armed Conflicts at Sea*, was discussed in detail and approved. The text was presented as a complete re-statement of international law relative to sea warfare existing at the time. The decision was made to disseminate the main text together with the commentary (*Explanation*) which had not been officially approved as this responsibility was left to its authors, members of the select Committee.

The International Committee of the Red Cross, in keeping with its generally acknowledged commitment to the preparation of the changes made in international humanitarian law, actively supported the project from the beginning to the end.

The *Sanremo Manual*, edited by Louise Doswald Beck, received wide acclaim and highly qualified recognition. It offered many new and interesting aspects aimed at a consolidated application and the progressive development of international law and more specifically of the law of armed conflict at sea. The research not only takes into consideration the rules formally included in treaties but it also considers customary law which has gradually affirmed itself.

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Photo 69: Livorno, *Istituto di guerra marittima*: meeting of the group of experts on international law applicable to armed conflict at sea (1994)
through the practice of belligerent parties and pertinent decisions taken by international judicial bodies. The content of the more recent editions of national manuals are also considered. Importantly, the text examines the particular situations connected with United Nations maritime task forces, envisaged in article 42 of the Charter, in the absence of a formal state of war. New laws introduced to protect the environment are also discussed. The progressive developments in the interpretation of the norms are highlighted in the *Explanation*.

The names of the two English Universities of Cambridge and Oxford were put forward as possible publishers of the Manual considering their centuries-old experience in the publishing business and their global recognition as being the biggest and most authoritative publishers in the field of research and science. After in-depth and gratifying negotiations with both publishing houses, Cambridge University Press was chosen as it offered better conditions. The sentence “*There is no other book like it*” appears in the presentation on the back cover of the elegant volume of 250 pages.

The Manual, which was the result of a non-governmental initiative, does not provide a binding document but it could be of great help in promoting the knowledge of the law in force on a larger scale and so encouraging both a uniform interpretation and, consequently, a more appropriate and efficacious application of the rules.

Moreover, the *Explanation* takes into account the possible opposing views arising from the workshops on the interpretation of each norm.

The Sanremo Manual was, in fact, received very positively both in scientific circles and particularly in interested military circles. As soon as the Manual appeared in its original English format, the Institute received many requests from governmental bodies and academic authorities from all over the world for permission to translate it into other languages. It is certainly the case to say that the Manual is now used in military navies all over the world.
Relations with governments

The Institute’s complete independence from governments has always been one of its strong points but also one of its weak points. “Governments and international organisations can be associated with the activity of the Institute”, according to the provision set out in the Statute of 1983 (article 4, last paragraph.) However, governments and international organisations (meaning intergovernmental organisations) are not allowed to become members of the Institute and, therefore, cannot be officially represented on the Council.

This characteristic assured the Institute the greatest freedom of action in the choice and execution of its programmes resulting in a more widespread consensus for its initiatives. Moreover, the Institute has always opened its doors to everybody, whatever their culture or ideology, making them feel at ease and willing to participate in constructive dialogue leading to unimaginable results. This approach has also been decisive in attracting attention and earning prestige despite its limited economic resources and possibilities.

On the other hand, firmly defending its independence over the years has had its price. If the Institute had had a defined orientation towards international politics and the contrasting positions of governments it would have been easier to get support, including economic support. But if it had acted in that way, the Institute would have betrayed its main objectives. It, therefore, preferred to distance itself from any kind of political preference and by so doing it turned down offers, and some very interesting ones, in respect of its founding ideals. Today, it is generally acknowledged that this line of action has placed the Institute in the position of being able to offer a useful service to the international community.

The multiple activities of the Institute in the field of humanitarian law and human rights in general, have led to regular and intense relations with governments all over the world. Such relations have always been marked by a spirit of collaboration. Take the Institute’s annual military courses as an
example: invitations are sent out to the various Ministries of Defence and General Staff of each country, followed up by correspondence regarding the Officers selected to attend. Then there are other activities conducted beyond the headquarters of the Institute, always working with the consensus and collaboration of the relevant government authorities of the hosting country. Another example would be the financial support the Institute has received from different governments over the years¹. An in-depth examination of the framework of such relations is beyond the aims of this publication. They have been mentioned from time to time with reference to single initiatives in the preceding pages just to give an idea of the different contexts in which our relations with governments have gradually developed.

There have obviously been more intense and frequent relations with the Italian Government and, particularly, with the Ministry of Foreign Affairs, where the Institute has always encountered interested and sensitive supporters. When necessary, Italian diplomats abroad have offered incisive support within international organisations and local authorities. Ambassadors and members of delegations over the years have always given the Institute a warm and friendly welcome in the various headquarters in Brussels, New York and, particularly, in Geneva.

Our repeated attempts at asking the Italian Government for serious financial support were not so successful, at least not until the second half of the ’90s. I remember a particular episode. In the month of March of 1991 the President of the ICRC, Cornelio Sommaruga, who was on an official visit to Rome, had been reassured both by President Cossiga at the Quirinal Palace and then by Andreotti, the leader of the Government, that the Institute would receive suitable economic support. Sommaruga acknowledged the offer of the Italian Government by writing an official letter, once again expressing the strong interest of international organisations in the work of the Institute and ICRC’s concern for the Institute’s lack of funds.

President Sommaruga congratulated Andreotti for his “positive reaction” to the Institute’s need for an annual contribution from the Italian Government of around 500 million lira”. This “positive reaction” was further expressed in a letter of reply where Andreotti assured Sommaruga that an extraordinary amount of 30 million lira had been put aside for the Institute for that year and

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¹Over the years, the Institute has received occasional contributions of varying amounts, and usually earmarked, from governments of the following countries (omissions excluded), apart from Italy: Argentina, Australia, Belgium, Egypt, Finland, France, Germany, Great Britain, Indonesia, Ireland, Israel, Norway, the Holy See, Sweden, Switzerland and the United States of America.
that a project was being examined for a possible annual contribution to be made by the Treasurer according to the effective needs of the same Institute. Needless to say, this commitment did not really materialize although from the year 1992 the Ministry of Foreign Affairs did make an annual contribution of between 30 and 40 million lira and from 1997 a more generous contribution was made by the Ministry of Defence towards the military courses of the Institute. Today the situation has changed a lot since the Italian Government fervently supports the various activities of the Institute covering a significant part of the financial expenses involved.

Finally, it is worth mentioning that all the Congresses and, in some cases, the round tables and conferences, organised by the Institute were held under the high patronage of the President of the Republic. Moreover, on two occasions, the Council Members of the Institute were received on an official visit at the Quirinal Palace by Pertini in 1984 and by Scalfaro in 1995.

The interest shown by the French military authorities in the Institute’s programme of military courses resulted in the important participation of French Officers. But the work of the Institute was also recognized by the French Government more generally and in different ways. Suffice it to
mention the text of the letter written by Prime Minister Edouard Balladur, announcing a contribution of 100 thousand francs for the year 1993. In Paris as in Rome the Institute was always warmly welcomed: I remember a meeting with President Patrnogic in the office of the then Minister of Health and Humanitarian Issues, Bernard Kouchner, where we were served a quick breakfast in an atmosphere of great simplicity and friendship.

Bernard Kouchner, the present Minister of Foreign Affairs, founder of Médecins sans frontières, and a strong advocate of humanitarian intervention in situations of crisis, can certainly consider himself as a great friend and supporter of the Institute. He has in fact spoken several times at its annual round tables also as speaker. Marco Bettati, one of his close collaborators, who used to be a Member of the Institute in times gone by, has recently been co-opted on to the Council.

Over the years the Swiss Government, especially the Federal Department of Foreign Affairs (the former Federal Political Department), has given...
considerable support to the activities of the Institute, sending highly qualified representatives to the various meetings of experts. Support also came from the Swiss Federal Office for Refugees that was associated to many of the activities of the Institute in this sector. From the middle of the ’90s this support turned into important financial contributions.

However, without wanting to make any distinction of merit, as the Institute was almost always welcomed and considered by governments of various countries with whom they entered into relations, its long-time connection with the personality of Alfred Nobel did give rise to a particularly intense collaboration with the Governments of Sweden and Norway that materialized in various initiatives mentioned in the previous pages. There was always a Swedish Member on the Council.

Considering its mission, it was not surprising that the Institute also had contacts with governments with a poor human rights record. In these cases, the Institute did not hesitate to raise the problem but it was not always possible to have an impact, which was the case, for example, on the occasion of the XXIII International Conference of the Red Cross held in Bucharest in October 1977, during a meeting (conducted strictly according to protocol) with an imposing and unapproachable Ceausescu in the company of his wife and two individuals who were always by his side in his endless daily appearances on the television.

On the other hand, two weeks later, it was possible to approach General Videla, President of the Military Junta of the Government at a dinner the Institute and other Ministers in Buenos Aires were invited to. When touching delicate issues such as the irregularity of the military regime and the respect of human rights in the course of the conversation, Videla went on the defensive: the military were fully aware that they had taken on a role that was far removed from their institutional tasks, but that was necessary to save the country from catastrophe, “Es una emergencia, Señor”. They would return to their barracks as soon as possible. As for abuse and violations of human rights, he admitted that they might have been committed but they were isolated incidents and out of his control. He was, however, willing to conduct investigations to identify and punish the offenders if specific evidence was produced. He was obviously showing excessive hypocrisy but isn’t hypocrisy a homage that vice pays to virtue?
At the beginning of June, 1987, when the fall of the Berlin Wall was still far off, there was a meeting scheduled in Moscow with President Gorbaciov. However, it coincided with the accident involving the Cessna 172, the ultralight tourist plane which the young German, Mathias Rust, managed to fly across Russian air space and land in the Red Square without being intercepted. The country was shocked by the inefficiency of its military air force and its air traffic control system. Gorbaciov was busy with political meetings and so we were received by his right hand man, Anatolij Dobrynin, who was very friendly. We expressed our heartfelt hope that the ongoing process to bring about freedom of political participation and the recognition of civil rights in the USSR would be carried out with conviction. Dobrynin seemed to appreciate our concern and he replied in a kind and reassuring voice indicating Gorbaciov’s office with his hand saying clearly: “Be sure, he will go to the end”.

Certain initiatives of the Institute were also supported and enhanced by local governments for internal political reasons. The Manila Conference on the assistance to Vietnamese and Cambodian asylum seekers was widely publicized on the front pages of the Philippine newspapers and shared the television news headlines with Imelda Marcos, the First Lady appearing in the foreground as the Minister in charge of receiving and assisting asylum seekers.

Professor Patnogic’s visit to the Tunisian President, Ben Ali, in 1989 provided the Tunisian Government the opportunity to give wide media coverage to the promotion of human rights in that country, particularly to President Ali’s initiative to create a special monitoring committee in reply to the reports of serious abuse and violations presented by certain international organisations. But if you think about it, the very fact that certain events served to highlight the question of human rights and humanitarian protection before the institutions and public opinion in individual countries, provided an important contribution to our cause.
The past, the present and the future

The scene takes place in the Latin quarter of Paris on 5th October 1987. The golden light of the setting sun embraces the Pantheon Square. Members of the government and other authorities are seated on a stand positioned before the monumental building. President Mitterand is on his own in the front row, with Mayor Chirac a good metre behind him. Guests take up the adjacent stand: two seats are reserved for the Sanremo Institute. The transporting of the ashes of the Nobel Peace Laureate, René Cassin, begins.

At the same moment as a stream of light hits the square, immediately giving way to the first signs of dusk, a gun carrier bearing the coffin draped with the French flag, slowly moves forward to the sound of the French anthem, accompanied by a guard of honour. On arrival at the entrance of the Pantheon, the coffin is removed and is placed on a support. A long moment of absolute silence follows; then President Mitterand gets up and approaches the coffin to address a few emotional words to the public who are visually moved. The ceremony comes to an end: the coffin is lifted up by the military guards of honour and carried inside the Pantheon. Fundamental cultural values are still strongly felt in a great country such as France.

The complex affairs of the Institute left a deep impression on those who were personally involved with it and who had offered their services free of charge with great personal satisfaction for nearly thirty years. I remember the long swims I had with Ambassador Spinelli along the shore parallel to the Imperatrice promenade in between sessions. I remember the evening excursions to Capo Sant’Ampelio in the company of Franco Casadio, Marina Cerne and Alfonso Bellando to enjoy the breaking of the waves on the rocks in the moonlight. I remember the moving meeting with Riccardo Bauer, one of the fathers of our Republic, at his house in piazzale Cadorna in Milan. I remember the traditional dinner with the Class leaders at the Hostaria della Costa in the Pigna, the old part of Sanremo, the day before each military course began. I remember the night spent in the waiting room at Genova train station travelling from Rome with Frédéric de Mulinen after missing
the last connection to Sanremo. I remember General Fernandez-Flores, a guest at my house during the military courses ("esta es mi casa"), whose wife, a well-known artist, painted my wife’s portrait. Of course, these are all personal memories but they clearly express the feeling of the close and longstanding friendship and family spirit experienced within the Institute.

I have a very clear memory of the private audition representatives of the Institute were conceded with Pope John Paul II on 18th May 1982: this honour was a high level acknowledgement of our commitment to the humanitarian cause. Our friend, Giorgio Filibeck, who we miss very much, prepared the ground by activating the Pontifical Commission for Justice and Peace¹ and arranging for me to meet the Secretary of State to define the details of the audition.

¹ Now known as the Pontifical Council of Justice and Peace.
The Pope received us warmly and was interested to hear about our families. In reply to President Patrnogic’s greetings, the Pope highlighted the fundamental ethics of international humanitarian law in the service of suffering humanity calling for the responsibility of States to respect and apply its norms. He also expressed great appreciation for the noble aims and for the work of the Institute, praying that they be realized on the widest scale possible.
His speech was published in full on the first page of the “Osservatore Romano” and, ten years later, it was published in the book edited by Giorgio Filibeck entitled: “I diritti dell’uomo nell’insegnamento della Chiesa: da Giovanni XXIII to Giovanni Paolo II” with a preface written by Cardinal Roger Etchegaray².

In the last ten years the Institute has continued to develop, greatly expanding its sphere of activity. Its September Round Tables have got bigger and bigger attracting more and more interest. New military courses have also included human rights and the conduct of peace operations.

Close contacts with the International Organization for Migration (IOM) have led to the creation of new courses specialized in migration law and the law concerning internally displaced persons.

Since 2001 a summer course takes place on humanitarian law every year, tailor made for young scholars and workers from international organisations. The initial stages of the course are held in Sanremo while the final stages are held in Geneva.

Photo 77 – Group of participants at the Summer Course on their visit to the international organisations in Geneva; Michel Veuthey is in the front row in the centre

² Published in French, English and Italian by Libreria Editrice Vaticana, Chapter 12, para. B. 122.
The year 2005 was marked by the creation of a diploma course in international humanitarian law (Humanmed), jointly organised with the Institut de la paix et du développement, University of Nice Sophia Antipolis. This is a trans-border project in the framework of Interreg III, jointly funded by the European Union, the General Council of the region of the Maritime Alps and the region of Liguria.

There has been an increase in programmes involving internships for students and researchers. Successful applicants have the opportunity to contribute to the activities of the Institute in a significant way.

Professor Patrnogic passed away on 6th May 2007. He was a historic figure at the Institute and was its President on two distinct occasions covering a total period of more than twenty years. In this role he proved to have great ability and deep dedication.

Two distinct ceremonies were held in his memory one in Geneva and the other in the Russian Orthodox Church in Sanremo. The importance of his contribution towards the affirmation of international humanitarian law was highlighted in the official speeches given at the opening of the Round Table of that year.

In the following period, Vice-President, Michel Veuthey, temporarily took over the presidency as he had done during Professor Patrnogic’s illness for a few months. It was a difficult time of transition but he managed to guide the Institute showing firmness and balanced judgement as far as the General Assembly which took place in September of 2007.

The new President, Maurizio Moreno, a longstanding diplomat, former Ambassador in Prague and permanent representative of Italy at NATO, was elected by a greatly renewed Council following the results of the General Assembly. Moreno, who originally comes from Sanremo, became a member of the Institute in the ’70s. He attended the first round tables.
linked to the diplomatic Conference in Geneva on the reaffirmation and the development of humanitarian law as member and Vice-President of the Italian delegation.

Following a rather difficult phase from an organisational and financial perspective, the new leadership, flanked by Vice-Presidents Fausto Pocar, Michel Veuthey and Baldwin De Vidts, has begun to re-discover the Institute's original energy and forward-thinking planning. Over the years, such characteristics have made the Institute unique in its field and have earned it worldwide recognition.

These recent events would deserve more in-depth consideration but it is not the right moment for two different reasons. Firstly, because I only have indirect and incomplete information as I have not been involved personally. Secondly, such events are not part of the history of the Institute as they represent its present reality, showing how it exists and presents itself today, and such events will be better documented later on in time.
The future offers the International Institute of Humanitarian Law ample room to develop its activities. Even though the prospect of large scale war is fortunately less likely nowadays, international terrorism has spread in the last few years. There are outbreaks of tension and ideological violence in different parts of the world mainly caused by religion or racism, as well as serious humanitarian emergencies linked to underdevelopment: famine, malnutrition, extreme poverty, widespread disease such as Aids. Such problems, together with the preservation of the ecosystem of the planet, will be the priorities the international community will have to face in the next few decades, and the Sanremo Institute, with its forty-year experience of uninterrupted activity will be able to contribute in a significant way towards finding a solution.

President  Maurizio MORENO, Italy
Vice-Presidents  Fausto POCAR, Italy
Michel VEUTHEY, Switzerland
Baldwin de VIDTS, Belgium
Council Members  Mohammed AL-HADID, Jordan
Mario BETTATI, France
G. Erwin DAHINDEN, Switzerland
Yoram DINSTEIN, France
Jacques FORSTER, Switzerland
M, Wolff HEINTSCHEL Von HEINEGG, Germany
Marie JACOBSSON, Sweden
Michael MEYER, United Kingdom
Ndioro NDIAYE, Senegal
Hisahi OWADA, Japan
William H. TAFT IV, United States
Municipality of Sanremo
Italian Red Cross

Photo 81 – The Council of the Institute on 31st December 2008
DOCUMENTS

I

Calling to mind the obligation incumbent upon all States in their international relations to refrain from resorting to threats or the use of force and to settle their differences peaceably;

- whereas respect for the individual human being constitutes the very foundation of the rules of international humanitarian law and of the international rules guaranteeing the protection of human rights;
- whereas the faithful application of these rules is essential to safeguard the peaceful co-existence of human beings;
- whereas, consequently, their violation is a matter which is outside the domestic jurisdiction of the State;

reaffirms:

- that the belligerents in international or internal armed conflicts do not enjoy an unlimited choice of means to inflict harm on the enemy;
- that it is unlawful to launch attacks against the civilian population as such;
- that a distinction must at all times be made between combatants and the civilian population so that the latter may be spared as far as possible;
- that the general principles of the law of war apply to nuclear weapons and the like;

urges:

- that violations of the rules contained in conventions of a humanitarian nature be penalized by impartial international tribunals;
- that, at the very least, observance of the rules governing the exercise of the rights of a protecting power be improved so as to allow injured parties direct access to an international authority, such as that represented by a United Nations High Commissioner for Human Rights, which should be set up without further delay;
Believing that the Geneva Conventions of 1949 constitute a vital step forward in the evolution of international law; recommends that all those who are interested in the progress of international humanitarian law, including international organisations and scientific institutions active in that sphere, and especially the International Institute of Humanitarian Law, San Remo, should strive first and foremost to set themselves specific aims on which to concentrate their efforts, in particular:

- the adoption of the Hague Conventions of 1907 on the laws of war to the rules of the Geneva Conventions of 1949;
- the preparation of draft protocols relating to Article 3 of the said Conventions and bearing on:
  a) the competence of impartial authorities, such as the International Court of Justice to establish, in application of this article, the existence of an armed conflict;
  b) the distinction between acts governed by the law of war and crimes committed against innocent parties, such as the unlawful seizure of aircraft in flight, the taking of hostages and the violation of diplomatic immunity, which render their perpetrators unworthy of the treatment accorded to combatants or political refugees;
- the improvement of efforts to foster in the public better knowledge of, and greater respect for, the existing rules of humanitarian law, with the help of the most advanced technological methods, including in particular computerization:
  a) of national and international provisions relating to the laws of war and the rules penalizing their infringement;
  b) of national and international judgments against those who contravene such provisions;
- the revival of proposals aimed, following the lines laid down by the European Convention on Consular Functions, at promoting respect for the rules of international humanitarian law;
- the consideration of means of providing free legal aid to persons deprived of the consular protection of their country of origin.
The international colloquium on *Humanitarian rules and military instructions*, organized by the International Institute of Humanitarian Law and held in Sanremo, Italy, from 2nd to 4th September 1971:

- conscious of the urgent necessity of spreading in the Armed Forces the knowledge of fundamental principles of humanitarian law, enshrined particularly in the Geneva Conventions and universally recognized as absolute and inviolable rules applicable to all armed conflicts;
- paying tribute to the activities already carried out in this field by the United Nations and the International Committee of the Red Cross;
- Reflecting the spirit of the Declaration of Sanremo of 27th September 1970;
- recalls the obligation incumbent upon States to include in their legislation and their military instructions the principles of humanitarian law;
- urges that the respective duties and responsibilities of commanders and subordinates be precisely defined;
- recommends that competent authorities institute within the framework of their educational programmes a course in humanitarian law;
- considers that violations of humanitarian law could be prevented or effectively repressed by the adoption of a system providing jurisdiction and control over the application of fundamental rules of humanitarian law, as well as imposing penal sanctions on their possible violations by individuals, States or international organisations;
- considers further that the commission of serious offences and crimes against humanity, for the repression of which national legislation has been passed in conformity with the Geneva Conventions of 1949, of the United Nations Convention on Genocide, and other international
instruments, should be forestalled by means of an adequate education dispensed on all levels of the Armed Forces through the most advanced media and pedagogical methods;

- requests the International Institute of Humanitarian Law of Sanremo to contribute towards attaining that objective on the scholarly and educational level, particularly by researching and collecting, in pursuance of the work already undertaken by the International Committee of the Red Cross and by the United Nations, all documentation pertaining to military instructions with the ultimate purpose of publishing a comparative survey that would reveal their common features and peculiarities;

- expresses the wish that Ministers of Defence of all countries establish committees directed to draft, with reference to the above-cited documentation, up-to-date military instructions and to review military Codes and Regulations bearing on warfare so as to give full expression to humanitarian law.
THE REUNITING OF DISPERSED FAMILIES

Resolution (1973)

The Round Table on the “Reuniting of dispersed families”, organised in San Remo by the International Institute of Humanitarian Law from 28th to 30th June, 1973,

- Referring to the basic principles of human rights and of international humanitarian law;
- Recalling the resolutions adopted by the United Nations and International Conferences of the Red Cross in the field of the respect for and the effective application of basic human rights and of rules of humanitarian law;
- Recalling the rules of existing international instruments concerning the protection of the human person in all circumstances;
- Considering that those rules have retained their full value in spite of obstacles preventing their full application;
- Recognising the significance of the heartening results obtained in the field of the reuniting of dispersed families in several countries;
- Recognising the significance of the efforts undertaken by international and national institutions in the field of the reuniting of dispersed families, in particular by the United Nations High Commissioner for Refugees, by the International Committee of the Red Cross and National Red Cross Societies, and by the International Union for Child Welfare;
- Considering that the teaching of knowledge of human rights and of international humanitarian law should form an integral part of education at all levels of the population as only a full and clear understanding of those rights can widen the scope of the possibilities of their employment and effective application;
notes
• that, in accordance with article 16 of the Universal Declaration of Human Rights, “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State”;
• that, in accordance with principle 8 of the Declaration of the Rights of the Child, “the child shall in all circumstances be among the first to receive protection and relief”;
• that, as a result of armed conflicts, disturbances and other critical situations occurring in different parts of the world, large numbers of families are dispersed and the reuniting of their members is hindered by major obstacles, and that no one should remain indifferent to the ensuing suffering;
• that it is indispensable that existing humanitarian rules be strengthened and developed in order to ensure more effective protection by specifying:
  a) Categories of protected persons in their widest possible sense;
  b) Humanitarian and social criteria by which it might be possible to establish ways and means for the reuniting of families.
requests
Governments to take all possible measures for facilitating the reuniting of families and for granting intergovernmental, non-governmental and voluntary international organisations, as well as their appropriate national organisations, all possible assistance in their efforts to promote the reuniting of families.
suggests that a conference of experts contribute towards the drafting of effective solutions to the problems of the reuniting of dispersed families.
The Colloquium on “International humanitarian law and telecommunications” (30th June 1973, Sanremo):

- Considering the resolutions of the United Nations General Assembly regarding the peaceful use of outer space, in particular, resolution D on satellites dated 20th December 1961, and resolution no 1721 (XVI) stating the principle of making available to all nations, without discrimination, telecommunications through satellites on a worldwide scale;
- Considering the resolution of the UNESCO General Conference in 1962, calling to mind the infinite possibilities that extraordinary technological discoveries have opened up in the sphere of free circulation of information, education and universal dissemination of knowledge, which are its main objectives;
- Recalling the resolutions adopted by the international Conferences of the Red Cross in the field of telecommunications and particularly resolution XXVII of the XXI international Conference on the use of scientific knowledge in the coordinating of international relief actions;
- Acknowledging the work of regulating and planning carried out within the framework of the International Telecommunications Union to render telecommunications of humanitarian interest secure, and the work of the International Committee of the Red Cross in adapting international law to the possible techniques to improve the treatment of victims of conflict, especially concerning medical transport, through a special protocol proposing a protecting signal using the system of telecommunications;
• Anxious to collaborate, as far as possible, in the work of governments, international governmental and non-governmental organisations in applying the advanced techniques of telecommunications in dangerous and stressful situations affecting human lives and generally to improve the human condition,

• Insists that international humanitarian law, conceived to safeguard and improve the human condition, should not be used improperly for other ends;

• Commits itself to promoting the rules of international humanitarian law through constant research into perfecting technical means, particularly telecommunications, as well as the legal instruments involved.
THE REUNITING OF DISPERSED FAMILIES

Resolution (1974)

I

The Conference of Experts on the Reuniting of Dispersed Families held in Florence from June 13 to 16, 1974,

- recognizing that the family is the basic unity of society and that the right to live together is a fundamental right of each individual;
- realizing that the notion of the reuniting of families is often transferred from the domain of fundamental rights recognised in international law to that of administrative practices adopted by different States, which reduce their scope by discretionary interpretations;
- recalling that in the Final Act of the Inter-parliamentary Conference on European Cooperation and Security, which took place in Helsinki in January, 1973, the Parliaments were invited to “put into practice, in a humanitarian spirit, negotiations at a governmental level in view of eliminating problems posed by the separation of members of families who wish to reunite;”

recommends that the States:

- recognise the right of the members of a family to common life, even in the case of political tensions;
- respect and accept in this connection all the other human rights established in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, in particular, the right to leave any country, including his own, and to return to this country in order to join the other members of the family;
- respect and accept the right of persons with dual or multiple nationalities to decide by their own free will in which of the States they are nationals.
they want to establish permanent residence, in particular, if the reunion of separated members of the family is intended;

• observe in practice, in order to facilitate the reunion of separated members of a family, the provisions of the Charter of the United Nations, committing its members to universal respect and observance of human rights and fundamental freedoms for all without distinction as well as the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms; and

• adopt, if they have not done so already, the human rights established in the instruments mentioned above in their own legislation and also put them into effect in their administrative practice.

II

The Conference of Experts on the Reuniting of Dispersed Families held in Florence from June 13 to 16, 1974,

• basing its deliberations on the broad considerations contained in the Resolution of the Round Table on the same topic held by the International Institute of Humanitarian Law in San Remo, June 28-30, 1973, as well as on the basic principles, texts, and practices of humanitarian law resulting from international conventions, conferences, and activities of persons and organisations concerned with the reunion of dispersed families;

• mindful of the humanitarian activities of international organisations active in this field, particularly of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, which have been reported in part to the Conference;

• considering the texts of Article 26 of the Fourth Geneva Convention of 1949 and of Articles 32 and 69 of the Draft Additional Protocols submitted to the Diplomatic Conference in Geneva in 1974;

• recognising that the problems of dispersed families continue to be of paramount humanitarian concern to the international community;

• resolves that the following text be recommended for adoption:

a) The High Contracting Parties recognise that the reunion of dispersed families constitutes a grave problem that should be solved through concerted humanitarian efforts;

b) Parties to the conflict shall take all measures at their disposal with a
view to keeping the family unit intact in the course of hostilities; c) High Contracting Parties, whether or not parties to the conflict, shall facilitate the reunion of families dispersed before, during or after hostilities, due regard being given to the expressed desire of individual members of the family as to the reunion and its place; d) In case of disagreement between High Contracting Parties as to the implementation of these paragraphs, the good offices of the International Committee of the Red Cross or any other impartial humanitarian organisations should be solicited and utilized;

- commends the text to the attention of the International Committee of the Red Cross, as well as other international humanitarian organisations and national Red Cross Societies;
- requests the International Committee of the Red Cross to circulate the text to all Contracting Parties of the 1949 Geneva Conventions;
- proposes that the text be inserted in both Additional Protocols to the Geneva Conventions of 1949;

III

The Conference of Experts on the Reuniting of Dispersed Families held in Florence from June 13 to 16, 1974,

- taking note of the importance assumed by emigration into European countries, particularly those of Western Europe, where more than ten million emigrant workers live;
- observing with regret that a high percentage of workers find themselves obliged to live away from their families, often for long periods of time, because of rules of the country of immigration that are drawn from restrictions more responsive to private interests than to rational objectivity;
- considering that such a situation constitutes a violation of fundamental human rights proclaimed and recognised in all modern and democratic societies, but in fact ignored by regulations, as well as by public officials and private individuals;
- affirms the right of each emigrant worker to live in the midst of the family circle that constitutes the natural basic cell of society;
- hopes that all countries receiving emigrant workers, coping with the
restrictions presently existing, will proceed to a revision of their legislative texts for the purpose of permitting each emigrant worker to bring his family to him within the briefest delay and according to accelerated procedures;

- emphasizes that the rights mentioned above should not be restricted except as provided by law necessary for the protection of national security, public order, health, or morality, or the rights and liberties of others;
- expresses the wish that the term “family” be applied not only to the wife and children of the emigrant worker but also to their ascendants who live with them in their country of origin;
- hopes that every State may follow policy investments suitable for the erection of living quarters, to the creation of institutions of education and health, in order to permit the worker a normal family life and to facilitate his installation in the country concerned;
- underlines the necessity of instituting special teaching, which may permit children of the emigrant worker to learn the language and culture of their country of origin in order to facilitate family life and the possible return to their country;
- recalls that in order to effectuate the installation of the emigrant in the life of the receiving country, it is not sufficient merely to affirm the principle of equality of treatment, but it is important also to develop positive action in favour of it for legislative and economic purposes.
STATE SOVEREIGNTY AND INTERNATIONAL RELIEF ACTIONS

Resolution (1975)

The international meeting on international humanitarian law at Turin, 21st to 22nd June 1975, under the auspices of the International Institute of Humanitarian Law,
- stressing the great importance of relief actions in international and non-international armed conflicts;
- underlining that all actions, if they are undertaken impartially and carried out without any adverse distinction, do not entail any form of pressure on the State in the territory of which the actions take place, and therefore do not in any way affect the sovereignty of that State,
- expresses the wish:
  a) that States observe scrupulously the obligation regarding relief actions provided for by the Fourth Geneva Convention of 12 August 1949, by accepting without delay the relief deemed necessary to save human lives;
  b) that new forms of aid, namely in the event of non-international conflicts, be the subject of provisions on the basis of the proposals made in the draft Protocols to the Geneva Conventions, which are in the course of elaboration, and that States accept these new provisions without reservations;
  c) that States which are not bound by Conventions dealing with these matters or in cases not expressly provided for in the Conventions, be willing to accept the relief offered by the Red Cross and/or other international organisations, as appropriate;
  d) that States enact appropriate measures ensuring effective international cooperation in this field and facilitating relief actions.
The international meeting on international humanitarian law in Turin, from 21\textsuperscript{st} to 22\textsuperscript{nd} June 1975, under the auspices of the International Institute of Humanitarian Law,

- having followed with particular interest the results of the two sessions of the Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts (Geneva, February-March 1974 and February-April 1975);
- aware of the necessity of effective international protection of refugees in all circumstances;
- recalling the resolutions adopted during the meetings of experts of the International Institute of Humanitarian Law (Sanremo, 1973 and Florence, 1974) on the reunion of dispersed families;
- recognizing the role of governmental and non-governmental organisations and particularly the role of the International Committee of the Red Cross regarding the reaffirmation and development of international humanitarian law;
- congratulating the International Committee of the Red Cross entrusted with the task of drafting the Additional Protocols to the Geneva Conventions of 12\textsuperscript{th} August 1949;
- taking cognizance of the reports of the meeting on the protection of refugees in the Additional Protocols to the Geneva Conventions on the protection of war victims;
- invites the governments participating in the Diplomatic Conference on international humanitarian law to support the adoption of the articles of the Protocols concerning the protection of refugees and children and also the articles dealing with the reunion of dispersed families;
• invites the International Institute of Humanitarian Law and also other appropriate institutions to promote lectures on the international protection of refugees and stateless persons in the teaching of international humanitarian law.
APPEAL FOR THE RATIFICATION OF INTERNATIONAL TREATIES OF HUMAN RIGHTS AND THE OPTIONAL PROTOCOL (1975)

The Council of the International Institute of Humanitarian Law:

- Having been informed of the imminent entry into force of the international treaties on human rights following the ratification of the treaties by 35 states;
- Noting that such entry into force will lead to the optional protocol concerning the examination of individual complaints;
- Aware of the historic value of such a feat which will offer a concrete and legal expression to the legitimate concern of the international community for the respect of human rights for all, in the civil, political, economic, social and cultural spheres;
- At the same time, underlining the greater importance of the general ratification of the two treaties and the optional protocol for the respect of human rights for all, with the encouragement, assistance and supervision of the organised international community,
- Appeals to states, and particularly to those states whose nationals are members of the Institute, to ratify the international treaties on human rights and the optional protocol as soon as possible, if they have not yet done so, in accordance with their constitutional provisions, so that these instruments may have full legal value in as many countries in the world as possible and may play a beneficial role with regards to all human beings, both men and women, under the auspices of existing or future international institutions;
- Appeals to its president to urge the Government of the Italian Republic, to bring this document to the attention of all the governments of states that have not yet ratified the international treaties of human rights and the optional protocol.
PROHIBITION AND PREVENTION OF TORTURE

Resolution (1979)

The Council of the International Institute of Humanitarian Law, at its meeting held in Sanremo on 9th September 1979,

- noting that torture is a world-wide evil and serious threat to humanity as a whole;
- considering that it is necessary to promote the adoption of effective international legal instruments to prevent and eradicate the practice of torture in all its forms;
- taking into account the proceedings of the Sixth Round Table on Current Problems of International Humanitarian Law (San Remo, 5th – 8th September, 1979) and the general spirit of that meeting;
- urges the members of the United Nations to give their fullest attention to the Draft Convention on Torture now under consideration by the Commission of Human Rights and to the Draft Optional Protocol proposed by the International Commission of Jurists;
- stresses the importance of making the practice of torture an international crime;
- emphasizes the necessity of establishing a system of visits to places of detention and supporting the efforts of governments to eliminate and prevent any form of torture;
- expresses the hope that in wide circles and especially in universities and organisations efforts will be continued and increased to combat torture, and particularly to find the most appropriate means for this purpose.
GUIDELINES ON THE PROCEDURE OF REUNITING FAMILIES

(adopted by the Council of the IIHL on 27-01-1980)

PREAMBLE

- recognising that everyone has the right to freedom of movement and to leave any country, including his/her own, and to return to his/her country (Article 13 of the Universal Declaration of Human Rights);
- recognising that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State (Article 16, paragraph 3 of the Universal Declaration of Human Rights);
- considering that the minimum concept of the family should be the spouse, dependent children, and dependent parents as well as that consideration should however be given to widening this concept where the social custom recognises a more extended family unit;

RECOMMENDS the following principles be observed as regards the reunion of separated families:
Principle 1: Reunion of Families
The governments concerned shall, for humanitarian reasons, take all possible measures to enable the reunion of families to take place whether within or outside their territories. They shall in particular facilitate the exchange of news and the tracing of separated family members.
Principle 2: Status of Family Members
Family members who have been admitted to a country to reunite with their family, shall enjoy a status not less favourable than that of a family member with whom they have been reunited.
Principle 3: Procedures
Procedures for the reunion of families shall be carried out without undue delay. Fees or taxes for travel documents, visas, or any other necessary
document shall, whenever possible, be as low as possible.

Principle 4: Fiscal and other Charges
In the interests of the reunion of families, no special taxes or charges of any kind shall be imposed upon a person who requests permission to be reunited with his family.

Principle 5: International Cooperation
In the interests of the reunion of families the work of international humanitarian organisations shall be facilitated and encouraged. They shall be permitted to assist any person in this regard and shall be granted all necessary facilities.

Principle 6: Family Visits
The governments concerned shall facilitate visits between family members who reside in different countries. For such family members passport and visa fees shall be as low as possible. In cases of emergency, passports and visas shall be issued as a matter of priority.
MANILA DECLARATION ON THE INTERNATIONAL PROTECTION OF REFUGEES AND DISPLACED PERSONS IN ASIA (1980)

The Round Table of Asian Experts on the International Protection of Refugees and Displaced Persons, having met in Manila from 14th to 18th April 1980 under the auspices of the United Nations High Commissioner for Refugees (UNHCR) and under the sponsorship of the University of the Philippines Law Centre and the International Institute of Humanitarian Law to review current problems relating to the international protection of refugees and displaced persons, under the high patronage of Mrs Imelda Romualdez Marcos, Minister of Human Settlements and Chairman of the Task Force on International Refugee Assistance and Administration of the Philippines,

• having recognised that lawyers, scholars and other experts in Asia can make a positive contribution towards ensuring the protection of refugees and displaced persons in the Asian region by promoting a greater understanding of their problems and needs, both among the public and in government.

• having considered in particular:
  (a) the need to strengthen the activities of UNHCR in promoting respect for fundamental principles of international protection of refugees and displaced persons;
  (b) the serious problems which have arisen regarding the observance of the principle of non-refoulement and the granting of asylum by Asian States; and
  (c) the need for a more intensive promotion and dissemination of International Refugee Law,

therefore

• commends the work of UNHCR in the Asian region;

• reaffirms that all persons are entitled to enjoy human rights and freedoms without discrimination, and draws attention to the humanitarian character of the principles relating to the protection of refugees and
displaced persons;
• stresses the fundamental importance of the principles relating to asylum and appeals to Asian States to base their practices on these principles;
• deeply regrets that situations have arisen where large numbers of persons have felt compelled to leave their country, creating heavy burdens for States in Asia;
• recalls with deep regret that in Southeast Asia instances have occurred in which thousands of refugees and displaced persons were forcibly returned to their country of origin and in which refugee boats were turned away and/or towed out to sea, resulting in considerable loss of lives;
• stresses the importance of the observance of the principle of non-refoulement as defined in international instruments;
• recognizes that States have a legitimate concern to preserve their territorial integrity and political independence; and recognizes further that every refugee has duties in the country in which he finds himself, which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order, and that he also abstains from any subversive activities;
• calls upon all Asian States to express their commitment to the principle of non-refoulement of refugees and displaced persons by legislative enactments and appropriate administrative policies and instructions;
• affirms that persons seeking asylum should not be subject to prosecutions or punishment merely on account of their entry or presence;
• recognizes that while international solidarity and cooperation should not be a precondition for compliance with basic humanitarian principles, they are indispensable for satisfactorily resolving problems of refugees and displaced persons arising in situations of large-scale influx where international assistance may be essential not only for immediate relief but also for durable solutions;
• calls upon all Asian States to continue to vigorously support the efforts of UNHCR in the performance of its functions;
• calls upon all Asian States to seriously consider accession to the United Nations Refugee Convention of 1951 and to the United Nations Refugee Protocol of 1967 which extended the scope of the Convention in order to cover new refugee situations;
• recommends the consideration of a regional instrument or a set of
principles relating to the specific problems of refugees in Asia as a complement to the United Nations Refugee Convention and Protocol;

- calls upon legal and other experts in refugee matters in Asia to promote, in consultation and in cooperation with UNHCR, an awareness of the problems of refugees and displaced persons in their own countries and throughout the region, to contribute their expertise in the protection of refugees in their respective countries and to assist in the creation of institutions for the promotion of international refugee and humanitarian law;

- decides to create a working group of Asian Experts with the task of following up the recommendations and conclusions of this Round Table.
HUMANITARIAN ASSISTANCE TO INDO-CHINESE REFUGEES AND DISPLACED PERSONS

Resolution (1980)

The Round Table on Humanitarian Assistance to Indo-Chinese Refugees and Displaced Persons, assembled in San Remo from 28th to 30th May 1980, under the auspices of the International Institute of Humanitarian Law, the Diakonisches Werk der Evangelischen Kirche in Deutschland and Caritas (Germany),

• deeply concerned that the problem of refugee and displaced persons from Southeast Asia will for a number of years continue to require the cooperation of all those involved; governments, UNHCR, and other intergovernmental organisations, as well as Red Cross and other non-governmental organisations (NGOs);
• emphasizes the specific role of the NGOs in contributing to the assistance to refugees in countries of temporary asylum, and still more to their reception and their economic and social integration in countries of resettlement;
• believes that the solution to the problems of refugees and displaced persons from Southeast Asia will continue to require a coherent policy of admission by resettlement countries, and that such policy should be determined by governments in consultation with the NGOs in view of the latter’s role in the integration process;
• commends governments of countries of resettlement, UNHCR and other international organisations for increasing the pace of resettlement but: a) stresses the need for UNHCR to continue to seek resettlement opportunities, and to give special attention to those refugees and displaced persons who have been waiting for long periods in countries of temporary asylum; b) emphasises that in view of the urgent need to expedite departures
to resettlement countries, the processing of refugees and displaced persons should be streamlined by relaxing admission criteria so far as is consonant with national legislation;

c) believes that a continuing policy of admission requires the full understanding and cooperation of the people in the resettlement countries, and that the NGOs should intensify their efforts to inform and educate in this respect;

d) recognizes the importance of the reunion of family members of refugees and displaced persons in countries of resettlement, and in this regard:

- endorses the “Body of Principles for the Procedures on the Reunification of Families” adopted by the Council of the International Institute of Humanitarian Law;
- emphasises the fundamental right of refugees to be reunited with other members of the minimum family unit, and requests that this minimum family unit not be subjected to quota or other numerical considerations;
- recommends that governments practise a liberal policy considering the reunion of members of extended family groups;
- (....)

The Round Table, while expressing concern for the problem of refugees and asylum seekers from Southeast Asia,
- believes that, whilst observing full respect for human rights and particularly that of freedom of movement, the international community should try to eliminate essentially economic motives for leaving the countries of origin, and that this could be achieved by an adequate economic aid policy;
- stresses that voluntary return towards the countries of origin should be encouraged by assistance towards economic and social rehabilitation;
- expresses its serious concern and disappointment over the lack of adequate international measures for the actual enforcement of the obligation of rescue at sea, as embodied in the international maritime conventions;
- (....)
- recommends that, without impinging on freedom of emigration, and while taking account of the wishes of the refugees themselves, the possibility of solutions for refugee problems in Southeast Asia within the geographical limits of the region should be systematically investigated and wherever possible promoted;
believes that further research on Southeast Asian refugee problems should be undertaken in consultation with the International Institute of Humanitarian Law, by expert staff and institutions in cooperation with NGOs, governments and intergovernmental organisations:

a) on legal and protection problems, both in countries of temporary asylum or transit and in countries of resettlement; and

b) on social, cultural, economic and administrative problems related to the integration of refugees.
DECLARATION ON THE PROTECTION OF REFUGEES
(1989)

- Recognising the necessity of applying basic humanitarian principles in refugee situations;
- Reaffirming the need to secure the full observance of fundamental human rights in refugee situations;
- Deeply concerned about the large number of refugees and displaced persons;
- Deeply deploiring the unjustified restrictive national policies in the granting of asylum and the recognition of the status of refugees;
- Urging the UNHCR to pursue the development of international refugee law with particular reference to the need for protecting refugees until a more complete codification of laws on the status and protection of refugees and asylum seekers has been prepared;
- The participants of the 14th Round Table on current problems of international humanitarian law, inspired by the profoundly humanitarian sentiments declare that:
- “In situations not covered by the international agreements on the status and protection of refugees, asylum seekers and refugees remain under the protection of the general principles of international law derived from established custom, from the principles of humanity and of fundamental human rights as well as from the dictates of public conscience.”
GUIDING PRINCIPLES
ON THE RIGHT TO HUMANITARIAN ASSISTANCE (1992)

The participants of the XVII Round Table on current problems of international humanitarian law (held in Sanremo from 2nd to 4th September 1992) and the Council of the International Institute of Humanitarian Law:

• bearing in mind the purposes of the United Nations, in particular those concerning the maintenance of international peace and security, international co-operation in solving international problems of an economic, social, cultural and humanitarian character, and the promotion of the respect for human rights;

• considering that it is essential to reinforce humanitarian action in order to alleviate human suffering, thereby contributing to the development of international solidarity and the strengthening of friendly relations between peoples;

• recognising that human sufferings, as a result of armed conflicts, in all their aspects, profoundly trouble the conscience of mankind and that world public opinion demands that effective measures be undertaken to reduce them to the greatest possible extent;

• noting the valuable action to provide humanitarian assistance undertaken by many national and international actors, in particular by ICRC, UNHCR, UNICEF, other organisations of the UN system, as well as other intergovernmental and non-governmental organisations;

• stressing that humanitarian assistance, both as regards those granting and those receiving it, should always be provided in conformity with the principles inherent in all humanitarian activities; the principles of humanity, neutrality and impartiality, so that political considerations should not prevail over these principles;

• reaffirming the fundamental concern of mankind and of the international community in the case of emergencies, to ensure the protection and well-being of human beings, and also the respect for human rights and humanitarian law;
recognising that it is indispensable to undertake new measures to render rapid and efficient assistance to human beings in cases of natural and technological disasters, violence and armed conflicts, including the development of the right to humanitarian assistance;
recognising that the respect of State sovereignty and of the principles of international solidarity and co-operation are the essential components of the right to humanitarian assistance;
desiring to promote the right to humanitarian assistance;
concerned about the serious obstacles to the realization and development of the right to humanitarian assistance particularly present in certain interpretations of the concept of state sovereignty;

recommends the following Guiding Principles on the Right to Humanitarian Assistance:

1. Every human being has the right to humanitarian assistance in order to ensure respect for the human rights to life, health, protection against cruel and degrading treatment and other human rights which are essential to survival, well-being and protection in public emergencies.

2. The right to humanitarian assistance implies the right to request and to receive such assistance, as well as to participate in its practical implementation. Persons affected by an emergency may address themselves to competent national or international organisations and other potential donors to request humanitarian assistance. They shall not be persecuted or punished for making such a request;

3. The right to humanitarian assistance may be invoked:
   a) when essential humanitarian needs of human beings in an emergency are not being met, so that the abandonment of victims without assistance would constitute a threat to human life or a grave offence to human dignity.
   b) when all local possibilities and domestic procedures have been exhausted within a reasonable time, and vital needs are not satisfied or are not fully satisfied, so that there is no other possibility to ensure the prompt provision of supplies and services essential for the persons affected.

4. The primary responsibility to protect and assist the victims of emergencies is that of the authorities of the territory in which the emergency causing urgent humanitarian needs occurs.
5. National authorities, national and international organisations, whose statutory mandates provide for the possibility of rendering humanitarian assistance, such as the ICRC, UNHCR, other organisations of the UN system, and professional humanitarian organisations, have the right to offer such assistance when the conditions laid down in the present Principles are fulfilled. This offer should not be regarded as an unfriendly act or interference in a State's internal affairs. The authorities of the States concerned, in the exercise of their sovereign rights, should extend their co-operation concerning the offer of humanitarian assistance to their populations.

6. For the implementation of the right to humanitarian assistance it is essential to ensure the access of victims to potential donors, and access of qualified national and international organisations, states or other donors to the victims, when their offer of humanitarian assistance is accepted. In the case of a refusal of the offer, or of access to the victims when humanitarian assistance action is agreed upon, the states and organisations concerned may undertake all necessary steps to ensure such access, in conformity with the international humanitarian law and human rights instruments in force and the present Principles.

7. The competent United Nations organs and regional organisations may undertake necessary measures, including coercion, in accordance with their respective mandates, in case of severe, prolonged and mass suffering of populations, which could be alleviated by humanitarian assistance. These measures may be resorted to when an offer has been refused without justification, or when the provision of humanitarian assistance encounters serious difficulties. In the event of measures of coercion being resorted to by competent UN organs, for reasons other than those of a humanitarian nature, the right to humanitarian assistance should be respected, in particular, by exempting from such measures materials for the essential humanitarian needs of the populations.

8. In the case of measures of coercion undertaken by the competent UN organs and/or regional organisations, when humanitarian assistance is provided for, these organs should ensure that such assistance is not diverted for political, military, and/or other similar purposes, and that the principles of humanity, neutrality and impartiality will be fully respected and implemented.
9. Humanitarian assistance may consist of any material indispensable to the survival of victims, such as foodstuffs, water, medication, medical supplies and equipment, minimum shelter, clothing; of services, such as medical services, tracing services, religious and spiritual assistance, as well as civil defence, in conformity with the tasks defined in international humanitarian law. Humanitarian assistance can, if appropriate, be made available by way of “human corridors” which should be respected and protected by competent authorities of the parties involved and, if necessary, by the United Nations authority.

10. All authorities concerned will grant the facilities necessary for humanitarian assistance to be provided. All authorities concerned will allow the transit of goods and personnel bringing humanitarian assistance, and will have the right to prescribe technical arrangements for these operations.

11. The status and protection of personnel engaged in humanitarian assistance operations shall be regulated on the basis of the applicable law. This is the case, in particular, as regards the personnel of the United Nations or of organisations of the UN system when engaged in humanitarian assistance activities, the personnel of ICRC, the personnel of professional organisations with humanitarian objectives, and the personnel of other national and international organisations engaged in humanitarian assistance activities. The status, rights and obligations of all these categories of personnel should be regulated by the respective national and international rules.

12. In order to verify whether the relief operation or assistance rendered is in conformity with the relevant rules and declared objectives, the authorities concerned may exercise the necessary control, on condition that such control does not unduly delay the providing of humanitarian assistance.

13. In order to improve efficiency and to avoid duplication and waste, the efforts of the various actors in any humanitarian assistance operations should be co-ordinated by those who bear the main responsibility for such operations.

14. All the actors in any humanitarian assistance operation are invited to respect and implement the present Principles. They may conclude such special agreements as may be necessary in any given situation. The present Principles should not be interpreted as impairing or modifying any rights and obligations under international law in force.
CAIRO DECLARATION ON THE PROTECTION
OF REFUGEES AND DISPLACED PERSONS
IN THE ARAB WORLD (1992)

The group of Arab experts, meeting in Cairo, Arab Republic of Egypt, from 16th to 19th November 1992 at the Fourth Arab Seminar on “Asylum and Refugee Law in the Arab World,” organised by the International Institute of Humanitarian Law in collaboration with the Faculty of Law of Cairo University, under the sponsorship of the United Nations High Commissioner for Refugees,

• noting with deep regret the suffering which the Arab world has endured from large-scale flows of refugees and displaced persons, and also noting with deep concern the continuing outflow of refugees and displaced persons in the Arab world and the human tragedy encountered by them;
• recalling the humanitarian principles deeply rooted in Islamic-Arab traditions and values and the principles and rules of Moslem Law (Islamic Sharia), particularly the principles of social solidarity and asylum, which are reflected in the universally recognised principles of international humanitarian law;
• recognizing the imperative need for a humanitarian approach in solving the problems of refugees and displaced persons, without prejudice to the political rights of the Palestinian people;
• (……)
• deeply concerned that Palestinians are not receiving effective protection either from the competent international organisations or from the competent authorities of some Arab countries;
• recognising that the refugee and displaced persons’ problems must be addressed in all their aspects, in particular, those relating to their causes, means of prevention and appropriate solutions;
• recalling that the United Nations Charter and the international human rights instruments affirm the principle that human beings shall enjoy fundamental rights and freedoms without discrimination of whatever nature;
considering that asylum and refugee law constitute an integral part of human rights law, respect for which should be fully ensured in the Arab world;

recognising that the United Nations Convention of 28th July 1951 and the Protocol of 31st January 1967 constitute the basic universal instruments governing the status of refugees;

recalling the importance of regional legal instruments such as the 1969 OAU Convention governing the specific aspects of refugee problems in Africa and the 1984 Cartagena Declaration on Refugees;

recognising that the fundamental principles of human rights, international humanitarian law and international refugee law represent a common standard to be attained by all peoples and nations; that they should provide constant guidance to all individuals and organs of society; and that competent national authorities should ensure respect for these principles and should endeavour to promote them by means of education and dissemination;

recalling the historic role of Islam and its contribution to humanity, and the fact that universal respect for human rights and fundamental freedoms for all constitute an integral part of Arab values and of the principles and rules of Moslem law (Islamic Sharia),

Adopts the following Declaration:

Article 1: reaffirms the fundamental right of every person to free movement within his own country, or to leave it for another country and to return to his country of origin;

Article 2: reaffirms the importance of the principle prohibiting the return or the expulsion of a refugee to/from a country where his life or his freedom will be in danger and considers this principle as an imperative rule of international public law;

Article 3: considers that the granting of asylum should not as such be regarded as an unfriendly act vis-à-vis any other State;

Article 4: hopes that Arab States which have not yet acceded to the 1951 Convention and the 1967 Protocol relative to the status of refugees will do so;

Article 5: in situations which may not be covered by the 1951 Convention, the 1967 Protocol, or any other relevant instrument in force, or United Nations General Assembly resolutions, refugees, asylum seekers and
displaced persons shall nevertheless be protected by:
(a) the humanitarian principles of asylum in Islamic law and Arab values,
(b) the basic human rights rules, established by international and regional organisations,
(c) other relevant principles of international law;

Article 6: recommends that, pending the elaboration of an Arab Convention relating to refugees, Arab States adopt a broad concept of “refugee” and “displaced person” as well as a minimum standard for their treatment, guided by the provisions of the United Nations instruments relating to human rights and refugees as well as relevant regional instruments;

Article 7: calls upon the League of Arab States to reinforce its efforts with a view to adopting an Arab Convention relating to refugees. These efforts will hopefully be brought to fruition within a reasonable period of time;

Article 8: calls upon Arab States to provide the Secretariat of the League with relevant information and statistical data, in particular concerning:
(a) the condition of refugees and displaced persons in their territories;
(b) the extent of their implementation of international instruments relating to the protection of refugees; and
(c) national laws, regulations and decrees in force, relating to refugees and displaced persons.

This will help the League of Arab States in taking an active role in the protection of refugees and displaced persons in cooperation with the competent international organisations;

Article 9
(a) Strongly emphasises the need to ensure international protection for Palestinian refugees by competent international organisations and, in particular, by the United Nations, without in any way prejudicing the inalienable national rights to repatriation and self-determination;
(b) (……)
(c) (……)

Article 10: emphasises the need to provide special protection to women and children, as the largest category of refugees and displaced persons, and the most to suffer, as well as the importance of efforts to reunite the families of refugees and displaced persons;

Article 11: calls for the necessary attention which should be given to the dissemination of refugee law and to the development of public awareness
thereof in the Arab world; and for the establishment of an Arab Institute of International Humanitarian Law, in cooperation with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the League of Arab States.
SANREMO DECLARATION  
ON THE PRINCIPLE OF NON-REFOULEMENT (2001)

On the occasion of the 50th Anniversary of the Convention relating to the Status of Refugees of 28th July 1951, the Council of the International Institute of Humanitarian Law
- bearing in mind the Institute’s long-term interest in and association with the development and codification of international law pertaining to the status of refugees,
- adopts the following text as the Sanremo Declaration on the Principle of Non-Refoulement:
  “The Principle of Non-Refoulement of Refugees incorporated in Article 33 of the Convention relating to the Status of Refugees of 28th July 1951 is an integral part of Customary International Law”.

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THE LAWS OF HUMANITY

“The creation of the International Institute of Humanitarian Law in Sanremo (…..) certainly helped to valorise the special branch of international law that, in the past decades, has acquired growing relevance and autonomy, and has aimed to protect fundamental human rights and the dignity of the individual in situations of armed conflict.”

Extract: Presentation by Maurizio Moreno

“No better person than Ugo Genesio, renowned Italian magistrate, Secretary-General of the Institute for 30 years, could have collected all the necessary information with such dynamic dedication, and comment so knowledgeably on the life of this precious institution, with all its ups and downs. The reader discovers the extent of the activities of the Institute: its research, its round tables, seminars, courses for military Officers, conferences, informal meetings. Such activities continue to represent the strong points of the Institute, making it famous all over the world.”

Extract: Foreword by Cornelio Sommaruga

THE AUTHOR

Ugo Genesio (1935-2017) graduated in Jurisprudence at the Università Cattolica, Milan, presenting a thesis on administrative law. He worked in the research unit of the Municipality of Milan, concentrating on the re-organisation of the services offered by the Municipality, and assisting the support committee for the candidature of the capital as the quarters of the European institutions. He became a solicitor in 1959. He was granted a scholarship to study for a master’s degree in political science at Berkeley University, California, specialising in the field of American and compared constitutional law. He then joined the judiciary where he covered different positions of responsibility at all levels. At the Court of Appeal in Milan, he was the rapporteur and drafter of both the verdict in the Seveso dioxin case and the preliminary verdict regarding the case of Banco Ambrosiano. In the Court of Appeal he examined important court cases involving organised crime and administrative corruption. Having realised that a profound reform of the Italian judiciary system involving the constitutional role of the judge, and the increasing demands for justice in the country was an illusion, he resigned from the judiciary in 1994. In 1970 he promoted the creation of the International Institute of Humanitarian Law in Sanremo and dedicated thirty years of his life as its Secretary-General.