

A note from the Editor

Fifty years ago, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. Looking back today, we can see that this was a crucial event in the history of the twentieth century, and indeed a turning point for humanity as a whole. From that time onwards, no one would ever again be able to deny with a clear conscience such simple and fundamental rights as these:

“Everyone has the right to life, liberty and security of person.”¹

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”²

“No one shall be subjected to arbitrary arrest, detention or exile.”³

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food [and] medical care (...).”⁴

Far from being mere exhortations, these rules set forth the obligations which States have undertaken to respect. The Preamble to the Declaration further states that:

“(...) Member States have pledged themselves to achieve (...) universal respect for and observance of human rights (...).”⁵

Although we are well aware that actual respect for the “inherent dignity (...) of all members of the human family”⁶ is still no more than

¹ Universal Declaration of Human Rights, Article 3.

² *Ibid.*, Art. 5.

³ *Ibid.*, Art. 9.

⁴ *Ibid.*, Art. 25, para. 1.

⁵ *Ibid.*, Preamble, para. 6.

⁶ *Ibid.*, Preamble, para. 1.

a dream for many people, the Universal Declaration of 1948 defined once and for all the goal to be achieved, and no one would now ever dare challenge the importance of that objective.

The Universal Declaration of Human Rights was drawn up and adopted by the United Nations in New York on 10 December 1948. At that very time, in Geneva the ICRC was putting the finishing touches to the drafts of what would become the four Geneva Conventions for the protection of the victims of war, following their adoption by a diplomatic conference on 12 August 1949. The parallel is striking. Was this a matter of political calculation or pure coincidence? An attempt to bring out the links between the two branches of law or a mere accident of history? In other words, is there some deep symbolism involved in this parallel development?

To commemorate the 50th anniversary of the adoption of the Universal Declaration of Human Rights, this issue of the *Review* will explore various aspects of the connections between the codification and practice of human rights law and international humanitarian law. As well as an original paper on the advent of the Universal Declaration and the Geneva Conventions, a number of contributions show the many clear links between human rights and humanitarian law in international practice — both in terms of the establishment of new international rules and as regards their implementation. We have only to look at the work done by the United Nations and European and American regional organizations for the defence of human rights to see that account is often taken of humanitarian law in the interpretation of obligations stemming from human rights instruments. Similarly, as human rights and humanitarian law both form part of the greater — albeit not always consistent — body of international law, a problem of a humanitarian nature can sometimes be solved by considering the issue from that broader perspective.

It was a deliberate decision to confine the contributions in the present issue to specific situations and to try and provide answers to practical questions relating to the links between international humanitarian law and human rights law. Although none of the articles here considers the broader implications of the coexistence of these two branches within the overarching structure of international law, the *Review* would be happy to pursue the debate on underlying questions of doctrine or matters of a theoretical or philosophical nature.⁷

⁷ A few years ago, the *Review* published an article which also discusses the ICRC's position on the matter: Louise Doswald-Beck and Sylvain Vité, "International humanitarian law and human rights law", *IRRC*, No. 293, March-April 1993, pp. 94-119.

Finally, it should be recalled that the ICRC published the full text of the Universal Declaration of Human Rights in the April 1949 issue of the *Review*, along with two articles commenting on the adoption of the Declaration “as seen from Geneva”. At the time, the ICRC was seeking to fulfil the wish of the UN General Assembly that this crucial instrument should be given the widest possible circulation. Today, the *Review* takes that process one step further.

The Review
