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INTERNATIONAL COMMITTEE OF THE RED CROSS

PLENARY MEETING OF THE ICRC

Geneva, April 17, 1953

At its Plenary Meeting of Thursday, April 16, the International Committee of the Red Cross (ICRC) took note of the present stage of the negotiations under way for the application of Article 16 of the Peace Treaty of San Francisco, by virtue of which the International Committee in Geneva has been requested to distribute certain funds ceded by Japan for the benefit of specific categories of prisoners of war who were captives in Japanese hands during the Second World War. A mission from the ICRC under the direction of Professor Paul Carry, Member of the Committee, recently participated in a conference on the subject convened by the Ministry of Foreign Affairs of the United Kingdom and the Department of State (USA) which was attended by the representatives of the numerous Powers concerned.

It is proposed to carry out the new work entrusted to the ICRC without engaging new staff members.

The ICRC has on the other hand sanctioned the setting up of a Supervisory Council, whose function will be to advise the Committee in administrative and budgetary questions and in general on questions concerning the Committee's resources. For this Council the ICRC has called upon MM. Arnold Muggli, Dr. H. c. and Dr. E. Froelich, Zurich, MM. Victor Gautier and André Fatio, Geneva, and M. Hans Bachmann, Winterthur.

With a view to extending the application of humanitarian principles to situations arising from civil wars and disturbances within countries, the International Committee has decided to

call a small committee of experts, composed of jurists and other well-known persons of various nationalities to advise the Committee in the pursuit of its studies.

The ICRC took note of the studies undertaken by its services concerned and by its Medical Commission to encourage the work of National Red Cross Societies and the Army Medical Services on national and international grounds, and the co-ordination of their efforts in conformity with the traditional competence of the ICRC in such matters.

Considering the news transmitted by its Korea Delegation, the International Committee has noted with deep satisfaction that the repatriation of the wounded and sick, for which it has unceasingly pleaded for some long time and already, in particular, by its appeal of May 8, 1951, seemed to be taking shape.

It also welcomed the initiative proposing the accommodation in a neutral country or territory of other categories of prisoners of war. This initiative corresponds in fact to the suggestions put forward by its representative in Korea.

The International Committee took note of the report of one of its doctor-delegates in Indochina, who has made several visits to camps for prisoners of war of the Democratic Republic of Vietnam in French hands, giving special attention to those among them who are wounded or sick.

*A TRIBUTE TO HENRY DUNANT
ON THE 125th ANNIVERSARY OF HIS BIRTHDAY
(MAY 8, 1828 - MAY 8, 1953)*

With the passage of time Henry Dunant's personality has become greater and his glory shines with deeper radiance.

Charitable feelings towards the afflicted, and the wounded combatant fallen on the battle-field in particular, belong to every era as shown by the many works of mercy which were founded in ancient times by charitable associations, according to customs reflecting the sensibility of the humanitarian ideas of the period.

Throughout the centuries however it was not until the Battle of Solferino in 1859, which was closely followed by the horrors of the Crimean War in 1854 (at a time when conflicts were bitter and army medical services inexpressibly inefficient) and the publication of Henry Dunant's book "Un Souvenir de Solférino" in 1862 that the humane principle emerged of giving aid to wounded combatants which was a few years later (1864) to become the object of a Convention based on law.

Henry Dunant has for a long time past been a legendary figure.

He was a great introducer of ideas, a visionary all through his private and public life as a leader or a worker in the rank and file, a forerunner so amazing as to be fully appreciated only in retrospect ; a generous and courageous man who was endowed with the gift of foresight.

But in history he remains the "man of Solferino", who in the shambles of the battle-field approached suffering men

in great distress, who spoke to the wounded, sick and dying, listening to their lamentations, their hopes and their despair, not questioning the unfortunate sufferer as to his opinions or religion, but saying "What ails thee?" so that in the midst of human suffering the gentle light of brotherly love took on greater radiance.

In history he is also the author of an unforgettable book "Un Souvenir de Solferino", for which interest has never flagged. It was to make a great stir and to give rise to a vast movement of human conscience; a book with but slight regard for literary style, in which Henry Dunant (so distant himself from literature or politics) gives us a lesson in sound humanity.

Edmond de Goncourt said that after reading this book one could but anathematize war.

It is, let us say, a book for our sons. It excites pity and we close it with emotion after reading the many pathetic accounts of suffering endured at Brescia and Chiesa Maggiore, where nevertheless men fought with death against all odds, with compassion for those whose last moments were not soothed by any appeasing or consoling presence.

In the human drama and throughout violent upheavals this book shed a ray of hope for the future by suggesting noble ideas, such as unconditional aid to the wounded of armies in the field, the founding of voluntary relief societies to meet the deficiencies of army medical services and an international Convention on this humane theme. The actual form of Henry Dunant's thought was to be found in these ideas for collaboration, mutual assistance and community of peoples—ideas which were a lesson in optimism and a call for action, the fundamental ideas in fact of the great humanitarian movement of 1864, from which there emerged in succession the International Committee of the Red Cross, the Geneva Convention and the National Red Cross, Red Crescent and Red Lion and Sun Societies.

For history Henry Dunant is the originator of the Red Cross, and for a great many he personifies its foundation.

He also remains in history as the most popular of the five Genevese who founded the International Committee of the

Red Cross, this " ICRC " bereft of material power and with charity as its only weapon, which assumes so many humanitarian tasks to relieve the endless suffering caused by war.

* * *

By his humanitarian action Henry Dunant made for human thought in every century a generous contribution towards goodwill, and thus instigated a spiritual awakening which has never ceased.

In laying the basis of the unconditional neutralization of the wounded combatant (thus detaching him from the effects of human passions) on the foundation of respect for human dignity, Henry Dunant has earned the essential merit of having put forward in the humanitarian movement the defence of a certain degree of civilisation and a superior form of humanity.

It is by this action and this idea, which glorify human freedom through love and respect for the injured, that he has never been so near to us nor had so many admirers.

We may venture to make this claim especially at the present time, when the brutal contemporary reality of the persecution of men for ideological reasons, practically all over the five continents, casts a shadow over the spiritual world.

* * *

But why repeat these facts which are now universally known? What more can be said that we do not already know, except to recall the starting point and the issue of the genial ideas which make Henry Dunant one of the great moral figures of humanity, " a figure-head to be placed at the prow of the ship of man's destiny ".

Ever since, on Henry Dunant's birthday, who could not think of this man whose life was so richly blessed by his gift of himself to others, this apostle of fellowship who sponsored a great humane idea, an idea which obliges us to look beyond

us, to forget ourselves, our backgrounds and our feelings, to join in thought the community of mankind and for our actions to be directed towards other aims than our own—the idea which uplifts our hearts and schools our minds—an idea which gives us back our personal values.

This is, in its widest sense, the profound idea of the Red Cross.

It has germinated: it has passed the test of time: and there is nobody who would deny its greatness and the need for it “ that the world may not perish in hatred ”.

On the 125th anniversary of his birthday, let us pay a tribute to Henry Dunant’s memory and be ever faithful to his humane doctrine.

Louis Demolis.

CHRONICLE

THE ORIGINS OF HUMANITARIAN LAW¹

IV

THE RED CROSS

The Geneva Convention of 22 August 1864, which gave the Red Cross its legal foundation, was the origin of contemporary humanitarian law.

Apart from the Declaration of the Treaty of Vienna on the abolition of slavery, a most emphatic declaration indeed, but without executory provisions attached to it, the Geneva Convention was the first systematic attempt to introduce into positive International Law regulations for the alleviation of relations between man and man.

There is therefore every reason for placing this fourth and last chapter of our study of the origins of humanitarian law under the sign of the red cross.

It is proposed first to consider the origin, purport and principal characteristics of the Geneva Convention. This all-important instrument, dedicated to "the amelioration of the condition of wounded soldiers of armies in the field", deserves close study, as the principles on which it was founded are in fact those of all international humanitarian legislation.

The next step will be to review the extension given to the legal position of the Red Cross proper as constituted by the successive revisions of this original Convention, and by the later Conventions for the protection of other war victims

¹ See *Revue internationale de la Croix-Rouge*, May 1951, pages 370 ff., July 1951, pages 558 ff., December 1951, pages 937 ff.

—wounded, sick or shipwrecked of armed forces at sea, prisoners of war and civilian populations ; and a brief account will be given of the resulting organisation of the Red Cross world.

Reference will then be made to the laws of war as codified by the Conferences of St. Petersburg (1868) and The Hague (1899 and 1907).

Lastly it is proposed to enumerate the principal international conventions having for their object a more humane contemporary society, and constituting in conjunction with the legal position of the Red Cross and the laws of war the whole body of international humanitarian law.

We shall see that the Red Cross, directly associated with the implementation of certain of these regulations, is also connected with the others, for all have the same object in view—namely, the respect of human dignity.

I. THE FIRST GENEVA CONVENTION (22 August 1864)

It has already been shown how the conscription imposed after the French Revolution launched masses of men on the battlefields, and thereby rendered international conflicts far more deadly. In the course of the 19th century this new aspect of war developed further, while the army medical services failed to keep pace with its development. “ I will quote one example out of a thousand ”, wrote Maxime du Camp¹, “ to show how the Intendance understood its work. During the war with Italy in 1859 the first battle took place at Palestro. Our men’s wounds were dressed with moss, because the ambulance kits did not even contain lint ; and at this time the army medical service was directly responsible to the military Intendance ”.

Solferino.

A few days later at Solferino the two strongest armies in Europe came into conflict. On the Franco-Sardinian side there

¹ *Souvenirs d'un demi-siècle*, Volume II, page 4.

were one hundred and fifty thousand men and four hundred pieces of ordnance ; on the Austrian side there were one hundred and seventy thousand men supported by five hundred cannon. The whole day of 24 June 1859 was a terrible massacre. The Emperor Napoleon III remained the victor on the battlefield, on which lay forty thousand dead and wounded. The Franco-Sardinian Army Medical Service was no doubt better organised than as described by Maxime du Camp ; but it could only cope with eight thousand wounded at the most. That is to say, thousands and thousands of men would have been doomed to atrocious suffering, if private charity had not come forward to make good as best it could the deficiencies of the army services.

It is widely known that on this battlefield the Genevese, Henry Dunant, conceived the idea of the Red Cross. As the moving spirit among the groups of voluntary orderlies and country-women who collected the wounded, dressed their wounds and helped them to the best of their ability, he was deeply touched by the humane attitude of the Lombardy women, who gave their care indiscriminately to compatriots, allies and enemies, saying simply that they were all brothers (" tutti fratelli "). In his mind the fundamental idea became fixed that, unarmed, the wounded soldier once more becomes an individual, to whom other men owe respect and assistance, whatever uniform he may bear. This notion was expressed by Dunant in pathetic terms in his famous book " Un souvenir de Solférino ", published in 1862, where he suggested " formulating some international principle, embodied in treaties and inviolable, which when adopted and ratified would serve as a basis for Relief Societies for the Wounded in the various countries of Europe ".

Geneva.

Today, nearly one hundred years since this suggestion of genius was put forth, the Red Cross has conquered the world, giving assistance to victims of over twenty international conflicts including two World Wars, so that the idea seems elementary, and it can hardly be imagined that it should have met with

resistance at first. But it did. Even among philanthropists with the best knowledge of the problem Dunant's wish raised some objections. Florence Nightingale, who had done so much during the Crimean War towards the reorganisation of the British army medical services, was of the opinion that, once these reforms became effective, there was no occasion to associate private initiative with the responsibilities of armies in the field. In fact she thought that to do so would in some measure relieve the public authorities of the responsibilities incumbent upon them and so favour bellicose undertakings¹. Fernando Palasciano, the renowned military surgeon, who had risked his life at Messina in 1848 by caring for the rebels as well as for the wounded of the regular forces in defiance of inhuman orders to the contrary, also opposed Dunant's idea—"not", he wrote, "that I fail to admire anybody who has the generous impulse to help his fellowmen without distinction of nationality, but because one is thus to some extent relieving Governments of one of the principal burdens of war, making them accessories to a conflict instead of servants of the cause of peace"². At Paris in 1861 the Military Intendant Arrault put forward a plan for "the official recognition of moral fellowship between military surgeons of all nations", who (he suggested) should wear white sashes and exchange wounded on battlefields³. George Sand later wrote to Geneva to urge that Arrault should be included in the list of distinguished forerunners of the Red Cross movement⁴; but it is evident that Arrault's proposals diverged considerably from the idea to which Dunant, encouraged by his actual experience on the battlefield, was passionately attached, the idea which he served with tireless zeal

¹ See letter from Florence Nightingale's secretary to Mlle. Gausson (who had been requested by Henry Dunant to present his book), published by M. G. GAGNEBIN (*Revue internationale de la Croix-Rouge*, June 1950, page 428).

² *La Croix-Rouge*, monthly review of the Swiss Red Cross, August 1937, page 225. Translation of an article by Professor César BADUEL, which appeared in the review *La Croix-Rouge italienne* in 1927.

³ BOGAŃEWSKI, *Bulletin international de la Croix-Rouge*, 1902, page 79.

⁴ The letter from George Sand, from a private collection, was published by the *Journal des Débats* of 6 August 1939.

and for which he made incessant approaches to publicity agents, statesmen, Princes and Kings.

The literary success of "Un Souvenir de Solférino", as a masterly and terrible chronicle of a bitter conflict provided the psychological shock which was essential for the success of the Red Cross idea; but it is doubtful whether Dunant's undertaking would have met with a successful issue, if he had not found at Geneva in the person of Gustave Moynier a man who possessed to a perfect degree all that was lacking in himself.

It was indeed a lucky meeting of these two men so totally different in character and worth—Dunant, the philanthropist and visionary, teeming with ideas, restless and enthusiastic, and Moynier, the jurist, scholarly and precise, carefully calculating the limits of the possible, and anxious to avoid any false step. While equally eloquent in the service of the same faith and a common humanitarian ideal, their methods were entirely different. By strenuous efforts, each according to his tastes and abilities, one in Geneva, the other in Paris, Berlin and other capitals of the Germany of those days, they got together the Conference of 1863, followed by the Diplomatic Conference, from which came forth, only two years after the publication of "Un Souvenir de Solférino", the first Geneva Convention. The two pioneers of the Red Cross, united in this successful issue, were soon afterwards to be estranged for life, and to harbour great resentment over many years, while Moynier guided the progress of the International Red Cross¹ with increasing success, and Dunant lived in retirement and poverty. Today, once more united in the glory bestowed upon them by grateful generations, they remind us of the "enemy brothers" in the Tharaud story, who fought one another for the same cause. They represent the conflicting elements of the Geneva spirit, recalling on the one hand the peaceful waters of the lake and on the other hand the rushing torrent of the Rhone².

¹ See G. MOYNIER, *Activité déployée par le Comité international de la Croix-Rouge à Genève de 1865 à 1904-1905*.

² See Jérôme and Jean THARAUD, *Chronique des Frères ennemis*, in *Cahiers de la Quinzaine*, 1906, 7^e série

The Geneva Convention.

An association of this nature was indeed necessary for the successful issue of the task of convincing governments, and of inducing them to conclude a convention, which curtailed even to a slight degree their freedom of action, and involved private associations up to a point in operations of war.

In official circles it was doubtless difficult to show opposition to a humanitarian movement which had become general¹; but when Charles Jagerschmidt, who was to represent France at the Geneva Conference, approached his Minister, Drouyn de Luys, for instructions, the latter merely replied "Look pleasant!", which was not a good omen. Fortunately Jagerschmidt did not share his Minister's scepticism, and his personal action in Geneva exercised a determining influence.²

In his anxiety to be of use he had obtained authority to enter into contact with the International Committee of Geneva³. He made a confidential request for a draft copy of an international convention, on which he could consult the French War Ministry, the principal opponent to the signature of any such agreement. He obtained the draft, and saw the Ministry, so that on arriving in Geneva he was fully informed both as to the demands but also as to the concessions which would be made by

¹ The codification of the laws of war in the United States (1863) on the highly humane lines laid down by Dr. Lieber was a proof of the strength of the movement.

² The following details have been gathered from the interesting thesis of M. Jacques CAILLÉ (just published by the Institut des Hautes Etudes marocaines) on *Charles Jagerschmidt, chargé d'affaires de France au Maroc, 1820-1894*, Librairie Larose, Paris, 1952.

³ A "Committee of Five", an emanation of the "Société genevoise d'utilité publique", had been set up by Moynier in order to put Dunant's idea into practice. This was the founder body of the Red Cross. It included, besides Moynier and Dunant, General Dufour who was its first President, Louis Appia (another volunteer orderly in the Italian campaign) and Dr. Th. Maunoir. This Committee convened the Conference of October 1863, which founded the Red Cross, and prepared the first Geneva Convention, concluded in the following year. It then adopted the title "International Committee for Relief to Wounded Soldiers"; which was in turn altered in 1880 to "International Committee of the Red Cross", the title by which it is known today.

an administration, whose attitude would be preponderant amongst its peers.

The Conference, convened by the Swiss Government, met in Geneva. A few hours before the opening session it was found that only the Delegates for France and Switzerland had been given full powers to sign a convention. Their colleagues were to act as Observers only! Next day in plenary session Jagerschmidt had his credentials read out. He contended that, if his colleagues were unprovided with a similar document, this could only be due to a misunderstanding, and he suggested that they should apply to their Governments immediately for similar credentials. In the interval the Conference could discuss the articles put forward by the International Committee, and at the conclusion of the discussions those who had received the necessary powers could sign the text, while the others would abstain; but one of the clauses of the Convention would stipulate that it remained open for the adhesion of the non-signatory Powers.

This programme was adopted. It ensured the success of the Conference, and the first Geneva Convention was signed on 22 August 1864 by the representatives of twelve countries—Baden, Belgium, Denmark, France, Hesse, Holland, Italy, Portugal, Prussia, Spain, Switzerland and Wurtemberg.

The first Geneva Convention today seems very brief. It nevertheless contains the substance of future texts of a much more abundant nature; and it is well to recall the principles it included, which were to be of such importance in the evolution of humanitarian law.

Articles 1, 2, 3 and 4 provided for the safeguard and respect of ambulances and military hospitals, as well as the personnel and the material of these formations. (Article 2 specifies that this immunity is extended to the chaplains, who are thus on the same footing as the medical personnel.)

According to *Article 5* “the inhabitants of the country who afford assistance to the wounded shall be respected and remain free... All wounded collected and nursed in a house shall serve

as its safeguard. An inhabitant who has given shelter to the wounded shall not be required to accommodate troops..."

Article 6 is of capital importance. It embodies the essential principle of the Convention: "Wounded or sick combatants, to whatever nation they may belong, shall be collected and cared for." No distinction is allowed. The same protection is extended to every wounded or sick combatant, who owing to his wounds or sickness has given up the combat. Henceforth he is merely a suffering individual and entitled as such to the assistance of his fellowmen.

Article 7 institutes the protective emblem, "distinctive and uniform", intended to ensure this protection—a flag for hospitals, an armlet for persons. "Both flag and armlet shall bear a red cross on a white ground." During the discussions of the 1863 Conference Dr. Appia, a member of the International Committee, suggested that doctors should be distinguished on the battlefield by a white armlet; and somebody, very probably General Dufour (who had formerly been instrumental in the adoption of the emblem of a white cross on a red ground as the flag of the Swiss Confederation), suggested putting a red cross on a white armlet¹.

Article 8 provides that "The implementing of the present Convention shall be ensured by the Commanders-in-Chief of the belligerent armies, following the instructions of their respective Governments and in accordance with the general principles set forth in this Convention." From its origin therefore it was laid down that the law of Geneva was an instrument which had, and was intended to have, practical effect. While respecting the necessities of battle, it was nevertheless an appeal to the conscience of the responsible authority. But as an offset to this concession to the inevitable there remained the idea that humanitarian effort can never be held up by a legal text. Anything

¹ Dr. Appia was the first to make use of the emblem thus created, during the Schleswig-Holstein conflict in February 1864, before the Geneva Conference was held.

that humanity can obtain it should demand. Such is the fundamental right of initiative, which the Red Cross was in future unfailingly to practise, and to which later Conventions¹ gave recognition.

Articles 9 and 10 concerned the adhesion of non-signatory Powers, and the exchange of ratifications in Berne, which instituted the Swiss Government as the guardian (*gérant*) of the Geneva Convention.

(To be continued).

Henri Coursier.

¹ *Convention de Genève relative aux prisonniers de guerre du 27 juillet 1929, Article 88, and Geneva Conventions of 12 August 1949, I, II, III, Article 9, IV, Article 10.*