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ET

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DES SOCIÉTÉS
DE LA CROIX-ROUGE

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INTERNATIONAL COMMITTEE OF THE RED CROSS

NEW YEAR'S MESSAGE FROM THE PRESIDENT OF THE ICRC

The Red Cross has now been in existence for well-nigh a hundred years. How can we explain the triumphant success of an idea which has found such ready acceptance, and spread throughout the world?

The Red Cross has survived and grown because, in the midst of turmoil and conflict, it has always sought the common ground on which men may unite.

But it is not enough for all countries and continents to recognize a name, or an emblem. The name, and the emblem, must have a living meaning—a meaning of which we must be as intensely conscious as was the founder of our movement, Henry Dunant. And what did this name, this symbol mean to him? Help—generous, unselfish, help to the victims; relief for those who suffer, whoever they may be; and respect for every man as a fellow human-being.

If we hold this belief—if each one of us is determined that the principles of the Red Cross shall be maintained—we may then begin to hope for that harmony for which the whole world longs.

PRINCIPAL ITEMS OF INTEREST

War Invalid Relief. — As part of its scheme of collective and individual relief, the War Invalid Section sent the Finnish Red Cross, in December 1951, a watchmaker's lathe and four Braille watches—all purchased out of the bequest received from Australia.

Four Braille watches which indicate the time aloud were sent to the French Red Cross and two to Vienna; these had been presented, and were meant especially for blind persons who have also lost limbs.

Individual gifts of money received at Christmas allowed the Section to send parcels to some of the worst off of the invalids. Thanks to the generosity of one industrialist it was possible, for example, to send an adjustable table to a student who contracted tuberculosis during the War; the table allows him to work much more comfortably.

Korea. — On December 15, 1951, the President of the International Committee addressed himself once more to the Prime Minister of North Korea and to General Nam Il, head of its armistice delegation in Panmunjom, asking that the Committee's Delegate be authorized to operate in North Korea in accordance with the Conventions, and especially with a view to helping to organize the repatriation of prisoners of war if and when this becomes necessary.

Six further Delegates left Geneva for Korea on December 20. They were: MM. Nicolas Burckhardt, Georges Hoffmann, Jean Courvoisier, Jean Munier, Albert de Cocatrix and a medical Delegate, Dr. Maurice Piot. Having arrived at Tokio on December 25, they left a few days later for Pusan and from there began visiting prisoner of war camps. They are ready at any time to begin work on the exchange and repatriation of prisoners.

The head of the Delegation in Korea, Dr. Otto Lehner, requested an interview with General Nam Il so that he could

explain personally the Committee's system of working and the briefing its Delegates receive; so far this request has had no effect.

Two further Delegates are ready at any time to proceed to North Korea: Dr. Roland Marti, the Committee's Medical Adviser, who would go via Moscow, and M. André Durand, who is already at Hong Kong and would go by Peking.

The Delegation in Korea visited in December the No. 1 Transit Camp, No. 1 Prisoner of War Camp at Pusan, and Field Hospital No. 14 there.

On December 27, the Committee received at Geneva from the United Nations Command, through the intermediary of the United States Consulate, a list of 37,342 civil internees. These persons, formerly considered as prisoners, have been re-classified. The list was communicated immediately to the North Korean authorities for transmission to the Armistice Commission at Panmunjom.

Visitors. — A Delegation from the Soviet Alliance of Red Cross and Red Crescent Societies had several talks at Geneva with the Committee, and visited the different departments. It was composed of the Vice-President, Professor Pachkov, and M. Tchikalenko, who is a member of the Expert Commission of the Executive Committee of the Alliance, with which the mission led by M. Ruegger in November 1950 had discussions in Moscow. Questions discussed there were again dealt with in detail during the talks in Geneva. The Delegation was received by the President, by Dr. Gloor, Vice-President, and other members of the Committee and the staff.

M. Ruegger also renewed discussion on certain points which he raised at Peking in March last during a meeting he had with M^{me} Li-Teh-Chuan, President of the Chinese Red Cross, who recently spent a short time in Geneva. M^{me} Li-Teh-Chuan gave an assurance that the Chinese Red Cross would carefully examine certain questions submitted to it, in connection with the Committee's general activities in the Far East.

Translation of the Geneva Conventions. — The Delegate in the Near East has informed the Committee that the Egyptian Government has had the 1949 Conventions translated into Arabic.

It will be recalled that these Conventions were drawn up in English and French, both versions being equally authentic. The Swiss Federal Council, guardian of the Conventions, has published translations in Russian and Spanish. Versions exist in several other languages including Chinese, Czech, Danish, Flemish, German, Hebrew, Indonesian, Italian, Norwegian, Persian, Polish, Serbo-Croat, Swedish, and so on.

Mail Statistics. — From 1942 to 1951, a total of 139,383 letters and telegrams was received ; these refer to correspondence on general matters only.

In addition, the Central Prisoners of War Agency continues to receive a very large mail, the total for the same period amounting to 53,573,480 items.

The outgoing figure during the last ten years has been 52,124,827 items.

Reunion of Families. — Under the scheme for recruiting the dispersed members of families of German ethnic origin which the Committee has had in operation over a long period, and for which it has a Delegate in the field, some 240 further persons recently arrived in Western Germany from Czechoslovakia. The German Democratic Republic facilitated their transport over its territory. The Committee has given a fresh grant to the German Red Cross for its reception centre at Friedland Camp, the point of arrival from Poland, Czechoslovakia, Hungary and Roumania.

Relief. — The Committee has forwarded to Greece further relief supplies it received for Greek internees. A gift of the Bulgarian Red Cross contained 500 parcels of clothing, food-stuffs and medicine ; a gift of 1,500 parcels of sugar and biscuits arrived from the Czechoslovak Red Cross, for children living with interned parents ; a sixth consignment from the Polish Red Cross contained 71 parcels. The supplies were forwarded from Geneva to Athens via Genoa, and will be distributed by the Committee's Delegate in Greece, in co-operation with the Greek authorities and Red Cross.

JEAN S. PICTET,
Director for General Affairs of the ICRC

THE SIGN OF THE RED CROSS

Commentary on Chapter VII — The Distinctive Emblem —
of the Geneva Convention
for the Amelioration of the Condition of the Wounded and Sick
in Armed Forces in the Field
of August 12, 1949. (*Continued*)¹

ARTICLE 42. — MARKING OF MEDICAL UNITS AND ESTABLISHMENTS

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

¹ See *Revue internationale de la Croix-Rouge*, English Supplement, Vol. IV, No 12, Dec. 1951, pp. 233-255.

PARAGRAPH I. — USE OF THE CONVENTION FLAG

Although the Convention does not define “ the distinctive flag of the Convention ”, there can be no doubt that a white flag with a red cross in its centre is obviously meant. It is clear, for example, that the red cross on a white ground would not in turn be placed on a flag of another colour. What might possibly happen in the case of the armlet, is here excluded by the very fact that we are speaking of a flag, and that the proportions are different to those of the armlet. The need for visibility also requires this interpretation. The flag of the Convention would thus have the general appearance of the Swiss flag with the colours reversed.

The word “ flag ” must be taken in the widest sense. It is not necessarily a fabric. Hospitals are often marked by one or several red crosses on white ground painted on the roof.

The emblem should be flown by mobile units, as well as by fixed establishments attached to the Medical Service, to ensure them protection and respect. This presumes, however, the consent of the military authority. (For the general principle, see above under Art. 39.)

Although the armlet must be stamped by the military authority, this does not apply to the flag ; it would in any case be impracticable as when, for example, the emblem is painted on a roof.

What is important is that the military authority should take particular care that the flag is used only on buildings entitled to protection. Moreover, the same authority may alone decide to camouflage a medical unit, by concealing its presence.

During the preparatory work on the Conventions, several experts pointed out that conditions in modern warfare often make it advisable to conceal first-line units, so as not to inform the enemy of troop positions and strength. As we noted under Art. 39, nothing forbids such a practice but, obviously, medical units can be respected by the enemy only in so far as he can recognize them as such.

The 1937 Commission devoted considerable attention to this question. With its own report it included as an annex a report by General Schickelé, to which reference should be made. The writer recommended that medical units be not camouflaged longer than is absolutely necessary for military secrecy; when actual fighting begins, there is nothing further to hide, and they should be designated. This recommendation should be acted upon.

PARAGRAPH 2. — USE OF THE NATIONAL FLAG

The 1906 Convention made it a general rule that the national flag be flown on the mobile units and fixed establishments of the Medical Services. This rule was maintained in 1929 for the latter only, being made optional for the mobile units. In 1949, it is made optional for both to fly the national flag with that of the Convention.

This solution appears reasonable. It had been pointed out that on a battlefield, the national flag implies a state of war and is thus likely to provoke attack.

PARAGRAPH 3. — UNITS IN ENEMY HANDS

Art. 19 provides that hospital and medical units in enemy hands may continue to function so long as the capturing Power has not itself made arrangements to care for the wounded and sick. In such case, only the Convention flag will be flown.

There is no provision for flying the national flag beside the red cross emblem. There are obvious objections to flying either the home flag or that of the captor.

Although the paragraph uses the words "medical unit", we believe this expression covers fixed establishments as well as mobile units. The regime of both is, since 1949, so closely related that a distinction as to the flag would be pointless.

PARAGRAPH 4. — MARKINGS

This provision is identical with the corresponding text of 1929.

The recommendations made are fully justified. The distinctive emblem has its fullest importance when it appears on mobile units, and to a still greater extent on fixed establishments—the security of the many persons they shelter depends on them, and precautions must be taken against air raids.

The emblem must be visible from a distance and from all sides. Rigid panels, horizontal, vertical, or oblique, facing different directions, may be used; large red crosses may be painted on white backgrounds on the roof and the walls, or traced on the ground with suitable materials.¹

The emblems must be sufficiently large. Government experiments carried out at the request of the ICRC have shown, for example, that a red cross on a white ground, five metres square, placed on a roof, was scarcely recognisable at above 2,500 metres.²

Medical units and establishments should of course be also indicated by night, using for example a string of lights to outline the crosses. As, however, total black-out is the most effective and practical safeguard against air attack, the military command is not likely to consent. Medical units lit up after their site is located during the day will give enemy aircraft useful landmarks. Lighting might conceivably be used only in case of attack.³ As noted under Art. 19, Par. 2, the safety of medical units is best assured by keeping them away from military objectives.

¹ For further detail, see the Report of General Schickel  : "Visibilit , signalisation et camouflage des formations sanitaires", attached to the Draft Revision of the Geneva Convention made by the 1937 Commission.

² See *Revue internationale de la Croix-Rouge*, May 1936, p. 409 (inset).

³ General Schickel 's Report also alludes to this.

ARTICLE 43. — MARKING OF UNITS OF NEUTRAL COUNTRIES

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

Subject to orders to the contrary by the responsible military authorities, they may on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.

This Article has been amended and brought into line with the new Article 42.

PARAGRAPH 1. — THE FLAG OF THE BELLIGERENT

The Article covers units of neutral countries, allowed to assist a belligerent, as laid down in Art. 27. Paragraph 1 states that such units shall fly, along with the flag of the Convention, the national flag of the belligerent, if the belligerent commander has decided that his medical units shall do so. (Under the terms of Art. 42, Par. 2, this is not compulsory.)

This is commonsense. If a belligerent has the national flag on his medical units and establishments, it should also be displayed by neutral units attached ; if he does not fly it, there is no reason why neutral units in his service should do so.

PARAGRAPH 2. — THE FLAG OF THE NEUTRAL COUNTRY

The right of a neutral unit to fly its own flag in addition to those of the Convention and of the belligerent with whom it is working, was introduced in 1929. It has been objected to for reasons of principle which we feel were scarcely sufficient.¹

¹ See Paul DES GOUTTES, *Commentaire*, p. 171.

Under the 1949 text, a neutral formation can fly its national flag even—and this is new—if captured.

A proviso is, however, added by the words: "Subject to orders to the contrary by the responsible military authorities." As distinct from the rules for the use of the national flag of the belligerent, this phrase does not signify that, in general, the belligerent can decide whether or not neutral units shall fly their own flag. It implies a restriction for a limited period only, under specific conditions, and for technical reasons, such as the necessity for concealing medical units in a forward position.

This, we believe, is the only interpretation that can be given to this provision, and corresponds to the intention of those who adopted it. Otherwise, the contradiction between "subject to orders to the contrary" and "they may on all occasions" would make the paragraph absurd.

ARTICLE 44. — RESTRICTIONS IN THE USE OF THE EMBLEM EXCEPTIONS

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the red cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the Protection of the Convention only within the framework of the Present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity

with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention ; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the red cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

The corresponding provision of 1929 (Art. 24) was most unsatisfactory. It did not make the fundamental distinction between the two uses of the emblem, which is absolutely necessary to bring out its real significance and solve the complex problems there are in regulating its use. The distinction, which looks plain enough, was put into words only recently ; for long, the fact that it was ignored caused a great deal of confusion in the whole question and put many on the wrong track, especially during the 1929 Conference.

A distinction must be drawn between the two different uses of the red cross on a white ground. They are in fact so fundamentally different in nature that their only common element is their external appearance.

The first—the essential significance is when the emblem is the visible sign of the protection accorded by the Convention to persons or things. It is then a virtually constitutive element of protection under the Convention, and we shall refer to it briefly as the *protective sign*. Its dimensions must then be large in proportion to the object it is to mark.

We have advisedly used the qualification *virtually* because in fact, marking is not a *sine qua non* of protection. A medical

unit which does not display the sign openly is still theoretically protected. It is clear, however, that protection can be effective only as far as the enemy can—e.g. in case of occupation—see evidence of its existence.

The second use is *purely indicatory*; in a word, it shows that a person or object is connected with the Red Cross, without implying the protection of the Convention or any intention to invoke it. It is used thus to draw public attention to premises or publications. The dimensions of the emblem should then as a rule be small and there should be no risk of confusing it with the protective sign.

Failure to recognize the distinction led the 1929 Conference to decide that, apart from their functions with the Medical Services, National Societies would be entitled to use the sign only in time of peace. This amounted to saying that on the outbreak of war, a National Society must forbid the use of the sign to mark personnel, buildings or objects, unless serving for the military wounded, or attached to the Medical Services of the armed forces. In practice, this stipulation usually remained a dead letter.

Article 44 has at least drawn a clear distinction between the protective and the indicatory sign, and reconciles the two needs: (1) strictly safeguarding the protective use of the sign, and (2) allowing National Societies to make extensive use of an emblem which has become popular and to which they have a very legitimate right.

PARAGRAPH I. — THE PROTECTIVE SIGN

I. *Persons and Objects Protected*

We have said that the vital importance of the emblem is when it has protective value; it is then known as the "emblem of the Convention". It is through the 1864 Geneva Convention that the emblem entered into positive international law, and the Convention has given it its peculiar significance, making it the symbol of the immunity accorded to the military wounded and sick.

Par. 1 lays down that the emblem cannot be employed—with the exception of cases mentioned in the following paragraphs, which principally concern the indicatory sign—either in time of peace or in time of war, except to indicate medical units and establishments, personnel and material protected by the Convention, and similar agreements.

While Arts. 38 and 39 stipulate that the sign of the red cross is the emblem of the Medical Services and that it should appear on everything which concerns them, Art. 44 specifies that it should appear on nothing else. Except on the conditions stated in the Geneva Conventions, every other use of the sign is strictly forbidden. “The prohibition is absolute, and is not one that can be lifted by such or such an authority”, wrote Louis Renault.¹ Neither Governments or National Societies can get around this prohibition; it binds them as it does individuals—a fact again underlined at the 1929 Conference.²

Similarly, Par. 1. provides that the words “red cross” or “Geneva cross” may indicate³—always with the exception of cases named in the following Paragraphs—only the establishments, personnel or material protected by the Conventions.

The second sentence of the Paragraph confirms that the same provisions naturally apply to the red crescent, and the red lion and sun, for countries employing them.

The following are entitled to the protective sign under the Convention :

- (a) Mobile units and fixed establishments of the armed forces and of relief societies (Arts. 19 and 42).
- (b) Medical units of neutral societies assisting a belligerent (Arts. 27 and 43).

¹ Proceedings of the 1906 Conference, p. 265.

² Proceedings of the 1929 Conference, pp. 306, 307, 311 and 317.

³ In the text of this Article the word “indicate” should refer to the words “red cross”, and the word “protect” to the emblem; owing to a clerical error, they are printed in the wrong order.

- (c) Permanent medical and religious personnel of the armed forces and relief societies, including the administration (Arts. 24, 26 and 40).
- (d) Medical personnel of neutral societies assisting a belligerent (Arts. 27 and 40).
- (e) Temporary medical personnel of the armed forces while on medical duty, wearing the special armlet (Art. 25 and 41).
- (f) Medical equipment of the armed forces and of relief societies (Arts. 33, 34 and 39).
- (g) Medical transport and vehicles (Arts. 35 and 39).
- (h) Medical aircraft (Art. 36).

In addition, the draft agreement relating to Hospital Zones and Localities, annexed to the Convention, provides in Art. 6 that such zones and localities shall be marked by the red cross on a white ground. This draft has no legal effect, however, its operation being subject to agreement between the interested Powers.

Although the emblem is bound up with the First Convention, and its use is most fully dealt with there, the Second and Fourth Conventions also have provisions concerning it.

Thus under the Second Convention, the following are entitled to the protective sign :

- (a) Hospital ships of States, relief societies and individuals (Arts. 22, 24 and 43).
- (b) Hospital ships of relief societies and individuals from neutral countries assisting a belligerent (Arts. 25 and 43).
- (c) Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service (Arts. 27 and 43).
- (d) Fixed coastal installations used by lifeboats (Arts. 27 and 41).
- (e) Sick-bays on ships (Arts. 28 and 41).
- (f) Medical and religious personnel and crews of hospital ships (Arts. 36 and 42).

- (g) Medical and religious personnel of the Navy and the Mercantile Marine (Arts. 37 and 42).
- (h) Medical stores (Art. 41).
- (i) Medical aircraft (Art. 39).

Under the Fourth Convention :

- (a) Civilian hospitals (Art. 18).
- (b) Staff of civilian hospitals (Art. 20).
- (c) Convoys of vehicles or hospital trains on land, or specially provided vessels conveying wounded and sick civilians (Art. 21).
- (d) Civilian medical aircraft (Art. 22).

In addition, the draft agreement relating to Hospital and Safety Zones and Localities, annexed to the Fourth Convention, provides in Art. 6 that zones reserved exclusively for the wounded and sick may be marked by means of the red cross. The qualification above in relation to the draft agreement annexed to the First Convention also applies here.

2. *Organizations to Benefit*

Under the First Convention which we are here examining, what organizations are entitled to the protective sign?

Firstly, the Medical Services of the armed forces. Even before the emblem became that of the Red Cross qua institution, the Convention had assigned it as an international marking for the Medical Services.

Secondly, recognized relief societies assisting the Medical Services, under Art. 26. These include the National Red Cross Societies—happily mentioned explicitly in the 1949 text. But, apart from the Medical Service, the Red Cross Societies have no monopoly of the emblem. Apart from them, Governments may authorize other Societies to assist the Medical Services and these, although having no connection with the National Red Cross, are entitled both in peacetime and in war

to use the red cross sign. There are, in fact, only a few such Societies, such as the Order of St. John of Jerusalem and the Order of Malta.

The last sentence of the Paragraph under review emphasizes the fact—and there was need to do so—that Red Cross and other recognized Societies are entitled to the protective sign only within the limits set out in the Paragraph. This means that such Societies may employ the protective sign only for that part of the personnel and material which assists the official Medical Services, carries out the same functions and is subject to military laws and regulations—which forms, for all practical purposes, part of the Medical Services. Even then, they can use the protective emblem only with the consent of the military authority.

It follows that the directors and staff of a National Society are not entitled to the protective sign, and cannot wear the armlet, except in so far as they themselves are protected by the Geneva Convention. For that, their duties must contribute to the care of the military wounded and sick, and conform to those set out in Art. 24. Otherwise, as we shall see in Par. 2, they are entitled to the purely indicatory sign only. Similarly, the red cross cannot be painted on the roof of a building belonging to the Society, unless it is a hospital or a depot of medical stores for the military wounded and sick.¹

Under Art. 44, Par. 3, the international Red Cross agencies and their duly authorized staff are entitled, at all times, to use the red cross sign. As we shall see below the sign thus employed will have protective value when circumstances and the nature of the activity require.

¹ Under Art. 18 of the Fourth Convention, a civilian hospital—which may belong to a National Red Cross Society or other relief society—is entitled to the protective sign, if recognized by the State and authorized to use the sign. Similarly, under Art. 20 of the same Convention, the leaders or members of a Red Cross Society shall be protected, and may wear the armlet, if they are regularly and solely engaged in operating or administering a civilian hospital authorized by the State.

PARAGRAPH 2. — THE PURELY INDICATORY SIGN

I. *Nature and Limits of Use*

As stated above, the red cross sign is used with a purely indicatory value when it serves to show that a person or object has a connection with the Red Cross, without implying protection under the Geneva Convention. The sign should then be small in proportion to the person or object, and the conditions of its use should preclude confusion with the sign which affords immunity against enemy action.

In view of the profound difference between the two uses of the emblem, would it not have been better to take two different emblems: one as the visible sign of the protection conferred by the Convention, the other as a flag of the National Societies for their work as a whole? We have seen some of the drawbacks which result from the double sense, and shall see more. But, at the same time, the advantages must be kept in mind. The red cross has become, in people's minds, a single symbol of impartial aid to all who suffer. The standing the emblem has acquired as a symbol of immunity refers back to the welfare work—which it also covers—done by the Red Cross amongst the population as a whole. Reciprocally, esteem for the Red Cross heightens the prestige of the protective sign.

It is clearly out of question today to think of introducing a new symbol; but care must be taken that the distinction between the two uses is always clearly drawn.

As we have seen, under the 1929 Convention, the National Societies, as soon as war broke out, should have removed the sign from every person, building or object not devoted to the military wounded; this provision for the most part has remained a dead letter. The Proceedings of the 1929 Conference show that the plenipotentiaries had no intention of preventing National Societies from using the sign for their so-called peacetime activities, when these continued during wartime. The provisions adopted are nevertheless formal.

As the distinction between the protective sign and the purely indicatory, was at last established in 1949, in the Convention itself, use of the indicatory sign can now be extended without danger.

The National Societies are entitled in peacetime, in conformity with municipal legislation, to use the name and the emblem of the red cross for their activities other than assistance to the military Medical Service. When these activities continue in wartime—and the innovation is highly important—the National Societies may continue to employ the emblem, but in conditions such that it cannot then be considered as implying the protection of the Convention.

There must be no possibility of confusion for the enemy, causing him to attribute protective value to a sign which is merely indicatory; the dimensions must be relatively small, and the emblem must not appear on an armlet or a roof. The latter provision avoids confusion between persons bearing the indicatory sign and the medical personnel of the armed forces, and between buildings not protected, belonging to the Red Cross, and hospitals that have immunity under the Convention.

These restrictions apply only in wartime. It cannot, however, be too strongly recommended to National Societies to employ the smaller sign for all activities apart from relief to the military sick and wounded. Should war occur, they would thus not have the difficulty of reducing signs—an almost impossible and very expensive task, at short notice, and, if badly done, liable to have serious consequences.

For practical reasons, the Conference rejected the suggestion to name maximum limits for the indicatory sign. It merely provided that the sign should be of relatively small dimensions—in other words, small in proportion to the protective sign used for a given category of persons or of objects. Common sense must decide the actual size. Thus, a flag some three foot square placed above the door of a building, would pass as an indicatory sign; the same flag on a vehicle would appear to be a protective sign and should accordingly be reduced to about 8 or 9 inches. This, in turn, would be

too large for personal use and would be reduced by, say, three-quarters.

Although recognized relief societies other than National Red Cross Societies can use the protective sign, only the latter are entitled to the indicative sign, which marks their connection with the Red Cross.

The Convention, in granting the emblem to National Red Cross Societies for activities apart from those with the military Medical Services, stipulates that such activities must be "in conformity with the principles laid down by the International Red Cross Conferences". These words were not added without reason: they are, in fact, the solution of a problem discussed at length during the preliminary study.

At first limited to the military sick and wounded, the activities of National Societies have extended until they now embrace practically all forms of human suffering. But their work was always that of aiding the direct victims of war or social disaster. During the second World War, Red Cross Societies in certain countries took up new work; this was social or patriotic, like sending parcels to men at the front—welfare work for the troops, teaching swimming to enlisted men, helping relatives, and so forth. For the first time, the Red Cross looked after persons who were not really victims of war.

Without having anything against such eminently useful activities, the Committee emphasized the fact that they might imperceptibly bring the Red Cross to cover with its name and emblem work which, in the long run, had only the most tenuous connection with its proper duties and essential mission.

It was soon clear that the field of Red Cross action could not be defined by listing activities permitted and forbidden. It was decided that each new operation should be judged by permanent criteria. The touchstone to do so is that offered by the fundamental principles of the Red Cross, as they have been, or shall be defined by International Red Cross Conferences.

2. *The Different Uses*

The purely indicatory uses of the symbol may be classified as the *appurtenant*, the *decorative*, and the *associative*.

A. *The Appurtenant Emblem*. — This shows that persons are members of, or that objects belong to, a National Red Cross Society. Reproduced on flags or nameplates, it indicates Red Cross buildings or vehicles. As a badge affixed on a nurse's head-dress or worn in a buttonhole, it distinguishes the Society's staff. As a stamp it marks publications, writing-paper and parcels. The emblem is, as a rule, accompanied by the name of the organization which uses it.

While active members of National Societies must wear the badge may it also be worn by the numerous members or supporters of a Society who merely pay a small yearly subscription, without any actual service being required of them?

Only very rarely does municipal legislation deal with this question. National laws in most cases merely grant the use of the emblem to a Red Cross Society. Sometimes it is to be reserved "for the members"; sometimes the context makes it clear that members doing humanitarian work are alone intended. In some countries, legislation is more precise; for instance, the New Zealand law provides that the button and brooch may be worn only by members in uniform. In Germany, members of the Society are forbidden by law to use the emblem for personal ends.

Present-day practice of National Societies varies considerably from one country to another. Some Societies forbid their members to wear the emblem; others only allow them to display it in certain circumstances, as during Red Cross assemblies. In contrast, other Societies allow their members to wear it as they think fit, some even selling it in the streets in return for subscriptions.

The question must be seen in the light of general Red Cross principles. There is no doubt that the object of all regulations governing the emblem was to reserve its use to circumstances in which its essential significance, as a symbol of impartial

charitable aid, is involved. The XIIth International Red Cross Conference (Geneva, 1925) passed a Resolution, confirmed at Brussels in 1930, which recommended "that National Red Cross Societies should authorize their members to wear a Red Cross brooch only when engaged in their duties; this measure should, in particular, be very strictly enforced in regard to members of the Junior Red Cross". In his *Commentaire* (p. 181), Paul Des Gouttes wrote: "The emblem belongs to the Society and not to individual members... Its use by these should not be tolerated except when they are actually on duty." The Committee can only endorse this view, and recommend National Societies not to allow the emblem to be worn by non-active members, except possibly during meetings of the Society.

B. *The Decorative Emblem.* — Red Cross Societies use the decorative emblem on their medals and other awards, on propaganda posters or publications, and for the interior decoration of their premises. In the last instance, the emblem may be large in size, despite the usual rule. At Conferences, an immense red cross flag almost invariably hangs above the platform. In such cases, the emblem is displayed inside the building; no one is likely to imagine that protection against aircraft or artillery is being sought.

C. *The Associative Emblem.* — This name is given when the emblem is used for first-aid posts and ambulances which may have no connection with the National Red Cross Society, but are authorized by it to display the sign. We shall deal further with this in connection with Paragraph 4.

3. *The Appearance of the Sign*

The protective sign, consisting of a red cross on a white ground, as prescribed by the Geneva Convention, should always be displayed in its original form, without alteration or addition. It is highly desirable that this should also apply—with the exception of the name of the organization, which may be used—

to the appurtenant emblem, as it represents, besides the institution, the unique character and the dignity of the Red Cross. Further, to preserve its full significance in the public mind and to prevent misconception, the emblem should not be coupled with that of any institution not connected with the Red Cross.

In order to retain its full power of suggestion, the associative emblem should also be kept as distinct as possible.

The artist's imagination has, on the other hand, been in most countries allowed free rein in the treatment of the decorative emblem. The red cross is sometimes serrated, framed with a gold edging, or associated with lettering or mottoes. This need cause no misgiving, provided that restraint and good taste are observed, and that the decorative emblem alone is concerned.

4. *Prestige of the Emblem*

Discussion of misuse of the emblem comes naturally under Art. 53. It is not sufficient, however, to combat misuses that are legally forbidden. In all circumstances, the emblem should retain its significance and prestige, and, accordingly, any practice likely to lower it in the public eye must be scrupulously avoided.

To take one example, Red Cross organizations, to raise funds, occasionally sell objects bearing the red cross. To different degrees, such sales are likely to lessen the standing of the emblem and as such are prejudicial to the good name of the Red Cross as a whole.

While the first care must be to guard against misuse of the protective emblem, it must be remembered that misuse of the sign when it is purely indicatory will indirectly weaken the respect for it as a protective sign. It should never be forgotten that the emblem, despite the varying legal significance of its use, remains in all cases a red cross on a white ground. Every portrayal of the red cross reinforces or weakens, to a certain extent, the associations of the sign, in its highest connotation of disinterested aid to the suffering.

The new Convention has granted Red Cross institutions large prerogatives in the use of the sign. Conscious of the honour, as well as the responsibilities this implies, they must jealously watch over what has been confided to them. There can not be much hope of successfully resisting those who use the symbol unscrupulously for commercial purposes, if those directly interested, and its natural guardians, are careless—or worse. It is much better to have to resist abuses of the sign which arise precisely from the fact that it has a special significance, than to see such abuses cease, because the sign had lost its authority.

PARAGRAPH 3. — INTERNATIONAL RED CROSS AGENCIES

Under the 1929 Convention, the International Committee was not accorded the right to use the emblem which it had itself designed and which it was the first to employ. In Switzerland, however, it was so authorized by municipal law, which conformed more to the spirit than to the letter of the Convention. In any case, no one, seeing the important work the Committee is called upon to do in wartime, ever contested this right. The League of Red Cross Societies was similarly affected.

During the second World War, the International Committee thought advisable, in the immediate interest of certain war victims, to propose to Governments that, in given cases and with their formal consent, the sign should be displayed on certain forms of transport used for conveying food for undernourished prisoners of war and civilians. This use applied principally to ships exclusively employed in relief transport, and sailing under the control of the Committee or of a National Society. In the final phases of the war, the sign was also used on trains and road convoys improvised by the Committee to ensure the feeding of prisoners of war and deportees in Germany.

The 1949 Conference dealt with the peculiar oversight in the 1929 Convention. The international Red Cross bodies are now officially authorized to use the red cross sign.

The authorization is without reservation. Consequently—as the discussions at the Conference clearly show¹—the sign will have protective value, whenever circumstances and the nature of the work require.

The four 1949 Conventions entrust several important duties to the Committee. They also recognize its work, outside the specific provisions, for the protection of the victims of war. Most of these activities are not, properly speaking, “protected” by the Geneva Conventions, as are those of the military Medical Services. But the extension of the protective sign accorded them is fully justified; such activities largely result from mandates given the Committee by the Conventions themselves, and there is a major humanitarian interest in facilitating them.

Where circumstances do not require the protective sign—that is in the majority of cases—the sign will be purely indicatory. Both the international Red Cross agencies and the National Societies must see to it that the sign is used only when really needed; they should apply the greatest prudence and all necessary precautions in exercising the valuable right that the Conventions have freely granted.

PARAGRAPH 4. — AMBULANCES AND FIRST-AID STATIONS

The 1929 Convention named a single instance where, quite apart from any connection with the National Red Cross Society but under its authority, the purely indicatory sign might be used: to mark, in peacetime, the position of first-aid stations, intended only for the free treatment of sick or injured civilians.

At public meetings, and wherever crowds are assembled, aid-stations are thus indicated. Highway aid-posts which serve in case of motor accidents are a familiar sight. That recourse was had to the red cross sign shows how real is its suggestive power; the red cross on a white ground evokes

¹ See especially the report of the First Commission to the Plenary Assembly.

the idea of aid as automatically as an arrow does a direction to be followed.¹

The 1949 Conference maintained this exceptional use of the sign and extended it, under the same conditions, to motor-ambulances. Police regulations in many countries grant right of way to ambulances, as to fire engines ; they should therefore be clearly and uniformly marked. In any case, this new provision did no more, on the whole, than bring the law into line with actual practice.

Paragraph 4 does, however, introduce a derogation from the leading principle the Convention adopts in reference to the emblem, and was adopted not without hesitation by the 1929 Conference. Very rigid safeguards were then added to limit the stipulation and prevent abuses. In 1949, the same hesitation was not apparent, but the precautions were maintained.

Firstly, the use in question must be regarded as exceptional. Apart from this specific case, no exception is tolerated.

The use of the sign is subject to express authorization. Tacit agreement is thus not enough. The authorization can be given only by National Red Cross (Red Crescent, Red Lion and Sun) Societies ; this right is granted to no other Society, not even to the State. Neither can the National Society delegate its right.

First-aid stations must be for the exclusive use of the sick and injured, and must give their services free. Thus, the idea which attaches to the emblem is safeguarded. Should a charge be made, or medicaments sold, the authorization must be withdrawn.

¹ The Convention of March 30, 1931, on the standardization of road signals has, in annex, a Resolution on the markings to indicate a nearby first-aid station. The Resolution recommends that the sign be constituted by a rectangle, the small, horizontal side two-thirds of the large side ; the background, of a dark colour, framed with a white line, the centre leaving a white square with a red cross at least 30 cm. high. A sketch attached for illustration shows a blue background, and this colour seems to have been generally adopted.

We refer also to the work of the Standing International Commission for Highway First-Aid, set up by the XIVth International Red Cross Conference (Brussels, 1930).

Finally, this exceptional use of the sign is allowed only in peacetime. The moment a country becomes involved in war, such signs must disappear on its territory.

The National Societies, in giving their consent, would be well advised to keep a strict check on the use made of the sign, so that misuses may not occur which would lessen the respect due to the Red Cross emblem in all circumstances.

We may recall, in conclusion, the words of the Rapporteur to the 1929 Conference¹: "In adopting this text, the Commission wishes to express formally its desire to maintain, in its complete integrity, the world-wide prestige of the sign of the Convention, and the high moral significance of the principles it represents in the eyes of all nations."

¹ Proceedings of the 1929 Conference, p. 619.

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DES SOCIÉTÉS
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SUPPLEMENT

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INTERNATIONAL COMMITTEE OF THE RED CROSS

INFORMATION NOTE OF FEBRUARY 5, 1952

On January 12, 1952, M. Paul Ruegger, President of the International Committee of the Red Cross addressed to the Commanders Kim Il Sung and Peng Teh-Huai the following message :

“ From Paul Ruegger President of the International Committee of the Red Cross to the Commanders in Chief Kim Il Sung and Peng Teh-Huai. On behalf of the International Committee of the Red Cross in Geneva I have instructed our Chief delegate in the Far-East Dr. Otto Lehner to ask for a meeting with you or with your representatives. Such a meeting is all the more necessary as the International Committee of the Red Cross in spite of repeated efforts has up to now never been afforded the opportunity of getting directly in touch with you or your representatives. It is recalled that the International Committee of the Red Cross being the founder organisation of the world movement of the Red Cross in 1863 is a neutral institution composed exclusively of Swiss nationals which carries out its international and humanitarian activities in complete independence of all Governments and inter-governmental bodies but in close cooperation with the national Red Cross Societies and with Governments. Its only concern lies in the interest of the victims of war, civil war and strife. It acts in accordance with the Geneva Conventions relative to the treatment of prisoners of war—Conventions which the Government of the People’s Democratic Republic of Korea has officially declared it recognises and is willing to observe. To achieve this purpose the International Committee of the Red Cross has been given during the two world wars specific mandates and facilities by all States bound by the Geneva Conventions so that it could assist all prisoners of war particularly by visiting prisoners

of war camps and by cooperating for their exchange and repatriation. Our Swiss Delegates stationed in Korea, Hongkong and Geneva are ready to carry out this work in complete neutrality and independence in the Korean conflict. Our Chief Delegate Dr. Lehner will explain the details of such work to you and the lines on which it would be carried out for the benefit of all war victims in Korea. I therefore must earnestly request that you agree to such a meeting without delay thus enabling our representative to put forward practical proposals in order to bring impartial and effective help to those in need. The International Committee of the Red Cross in Geneva must once more insist on being allowed to fulfil its traditional humanitarian duties. Paul Ruegger."

This message was handed on January 17, 1952, at Pan Mum Jom to General Kim Il Sung and General Peng Teh-Huai by Dr. Lehner, chief Delegate for the Far East, and M. de Cocatrix, Delegate.

The ICRC at Geneva has now received the reply, as follows, from Generals Kim Il Sung and Peng Teh-Huai :

" Monsieur Paul Ruegger
President of the ICRC

Your letter dated January 12, addressed to Supreme Commander Kim Il Sung and to Commander Peng Teh-Huai, has been transmitted by me.

I have been instructed to reply to you as follows :

In regard to the question of the visiting of prisoner of war camps by the ICRC, the Supreme Commander Kim Il Sung and Commander Peng Teh-Huai have already replied in a letter dated December 24, 1951, to the Supreme Commander of the United Nations Army, General Ridgway. Please find below the full text of this reply :

" Ridgway, Supreme Commander
of the United Nations Army

We acknowledge your letter of December 21.

We believe that what is most important in the interests of prisoners of war on both sides and of their families is that measures should be taken to deal as rapidly as possible with the points under discussion and to succeed, as quickly as possible in concluding an armistice. Shortly after the time at which the conclusion of an armistice becomes effective, all prisoners held on either side should return to their countries and to their families from whom they have been long separated, and so go back to their peaceful life.

Although certain important problems have approached solution, it was not possible to conclude the armistice because, without reason, you have caused the negotiations to be dragged out by insisting on unreasonable conditions; accordingly thousands of prisoners could not be released and the suspense of their anxious families has continued. On our side, the treatment of prisoners of war is absolutely humane in all respects, namely in regard to food, clothing, housing, recreation, etc. In this, we act with the idea and on the principle that prisoners of war should be well treated.

Sick or wounded prisoners of war are given, with success, the care which is due to them, thanks to the medical staff and the medical installations specially set up for their benefit.

The decision we have taken to provide precisely, and in full detail, for the good treatment of prisoners of war is a sufficient indication of our intentions and humanitarian preoccupations and we accordingly do not see what purpose could be served by the ICRC visiting prisoner of war camps.

Nevertheless, after the signature of the armistice, and as soon as it comes into operation, and to allow for the accompanying under protection of prisoners of war on both sides, we propose that a mixed delegation be set up, composed of delegates of the Red Cross Societies of the People's Democratic Republic of Korea and of the People's Republic of China, and of the ICRC. This delegation would be divided into different groups and visit prisoner of war camps on both sides, and at the same time co-operate in arranging for repatriation at the ex-

change centres. If you agree to our proposal, we ask you to transmit it to the ICRC.”

Kim Il Sung, Supreme Commander of
the Korean People's Army
Peng Teh-Huai, Commander of the People's
Army of Chinese Volunteers

December 24, 1951

(Signed) Lee San Jo”

Representative of the Delegation of the
People's Army of Korea and of the
People's Army of Chinese Volunteers.
January 20, 1952

The International Committee naturally intends to persevere
in its efforts to carry out its traditional work.

PRINCIPAL ITEMS OF INTEREST

Germany. — A Delegate has again been authorized to visit three Allied prisons where there are German prisoners serving sentences for war crimes: Werl Prison in the British Zone (November 27), Landsberg Prison, American Zone (December 13), and Wittlich Prison in the French Zone (December 20). Conditions were satisfactory in all three. The Delegate spoke freely with the prisoners, who had no complaints to make in regard to their treatment.

Greece. — In the fourth quarter of 1951, Delegates at Athens visited political exiles, to whom they distributed relief, at Aghios Efstratios, Trikkeri, Ghioura, Averof, Amphissa and Larissa.

The Delegation has obtained permission for Greek political detainees to use the Committee's civilian message forms for correspondence with persons living in countries which have no regular postal communications with Greece. From gifts received from abroad and the Committee's own supplies, the Athens Delegation distributed almost 80 tons of clothing, food and medicines in 1951, to an approximate value of 220,000 Swiss francs.

Greek children. — At the request of the United Nations Special Political Commission, the President of the General Assembly and the Secretary-General, at the end of November, asked the countries in which there are displaced Greek children to send representatives to Paris for an exchange of views between them and the UN Permanent Commission for the Greek Children. Czechoslovakia replied to the invitation. The ICRC and the League were also invited, and their delegates attended a meeting of the Commission on January 22. Reference was made to 138 children identified by the Czechoslovak Red Cross.

The Czechoslovak delegate said his Government believed it would be useful to have discussions on the problem between the Czechoslovak Red Cross, the ICRC and the League. Visas have been requested in view of the meeting to be held at Prague.

Korea. — The most important event during the month was the handing to General Lee San Jo, head of the North Korean Delegation to the Armistice sub-Commission on prisoners of war at Pan Mun Jom, of the message which the President of the ICRC addressed on January 12 to the Commanders Kim Il Sung and Peng Teh-Huai, and the reply which was given. Both texts are reproduced in full in this Supplement. Dr. Lehner, head of the Committee's Delegation in the Far East, and M. de Cocatrix, Delegate, succeeded in handing over the message on January 17, after unsuccessfully trying to do so the day before. The reply of the Commanders of the People's Army of Korea and the People's Army of Chinese Volunteers was handed to them in Korean on January 21, by General Lee San Jo himself. This exchange of documents was the first personal contact Delegates have had with North Korean representatives.

A visit which extended from January 4 to 16 was made to the United Nations No. 1 prisoner of war camp (Koje-do and Pusan).

Indo-China. — M. A. Durand, Delegate at Hong Kong, is at present acting as substitute in Vietnam for M. J. de Reynier who has been compelled to interrupt his activities temporarily for health reasons.

War Invalids. — The War Invalid Section sent the Bulgarian Red Cross 75 blankets and a small quantity of tonics for tuberculous war invalids receiving treatment at Tzarev-Brod. From part of a bequest made in Australia, three tandems were sent to Finland for war blind. Fifteen appliances were sent to Arab amputees in Jordan.

A medical film was loaned to the British Red Cross Branch in Mauritius.

Test Broadcasts. — In May last year, the Committee made test broadcasts on the shortwave allocated to it with a view to its transmitting information, should the necessity arise. Tests to collect further data were made on January 28 and 30 and February 1. Some 500 correspondents had been informed beforehand; 38 National Red Cross Societies, several ICRC Delegations, and, thanks to the courtesy of the Swiss Political Federal Department, a number of Swiss Legations and Consulates, have been asked for listeners' reports. The many replies received are now being sifted. The tests will be repeated later in the year.

Catastrophes. — The Committee has sent the Philippines Red Cross 1,500 dollars for relief to the victims of the volcanic eruption at Hibok-Hibok. The equivalent of 15,000 Swiss francs has been sent to the Turkish Red Crescent following the recent earthquake in Turkey.

JEAN S. PICTET,

Director for General Affairs of the ICRC

REPRESSION OF ABUSES OF THE
RED CROSS EMBLEM

Commentary on Articles 53 and 54 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949.

ARTICLE 53. — MISUSE OF THE EMBLEM

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from

the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

GENERAL REMARKS

(A) — *Two Kinds of Misuse.* — As we saw in connection with Art. 44¹ the sign of the red cross on a white ground can be employed in two entirely different senses. On persons and things entitled to respect by the Convention, the sign has protective value; when it only indicates a person or thing connected in some way with the Red Cross, but not in the sense of being entitled to the protection of the Convention, the sign is indicative only.

We thus have to distinguish between abuse of the protective sign and abuse of the indicative. The first, in time of war, is infinitely the more serious, because it may endanger human lives. The gravity will vary with circumstances—from the thoughtless action of a doctor who, although not belonging to the medical personnel, wears a red cross armlet in good faith, to treachery such as placing large-sized emblems on an ammunition dump in order to mislead the enemy. Between these extremes, all sorts of misuse are conceivable. Typical abuses of the indicative sign are its unlawful use by chemists, or in commercial trade marks.

(B) *Historical Background.* — Abuses of the 1864 Convention began soon after its adoption.

The Convention makes no provision for dealing with infractions, and is likewise silent on misuse of the emblem. Probably the Governments represented at Geneva had not foreseen what

¹ See English Supplement, January, 1952, p. 12 et seq.

would happen, because they removed a provision in the draft intended to deal with the matter; the provision in question was in any case much too narrow ¹.

During the war of 1866, and still more so in 1870-71, abuses occurred which affected the protective sign only. By 1880, however, the indicatory sign was being unlawfully used in many ways. Chemists, vendors of medical apparatus, invalid nurses, and even barbers had taken the red cross as a sign. The emblem was used on boxes of pills and mineral water advertisements. The International Committee and the National Societies undertook a campaign against such abuses, which is not yet concluded ². The IIIrd International Conference (1884) recommended that "energetic measures, legislative or the like, be taken in all countries to prevent misuse of the emblem of the Convention, the red cross on a white ground, in peace as in war". A similar Resolution was adopted by the IVth Conference (1887). In 1888, the International Committee held a competition for the best methods of preventing and suppressing misuse; the two winning memoranda were published ³.

Unlawful employment continued nevertheless to spread. Some traders used a slightly modified red cross, and pretended that they were not using the emblem of the Convention. Although commercial marks and trade marks were protected in law, the highly significant symbol they had solemnly recognized in signing the Geneva Convention was left defenceless. Some countries indeed attempted to give the emblem legal protection, but did not go far enough.

The idea was then put forward that the Convention itself should contain clauses to prohibit abuse and compel States

¹ Article 10 of the draft read: "Those who, not being entitled to wear the armet, utilise it to commit acts of espionage shall be punished with the full rigour of the military laws".

A similar clause was proposed to the 1868 Diplomatic Conference which studied the revision of the Convention, but was again dropped.

² A particular tribute must be paid here to the late Paul des Gouttes, Secretary-General and Member of the ICRC who, as long as he lived, was one of the emblem's most untiring champions.

³ "De l'emploi abusif du signe et du nom de la Croix-Rouge" by Professors Buzzati and Castori, Geneva 1890.

to pass suitable legislation. This was successfully done at the 1906 Conference, which profoundly modified the Convention. In the fairly detailed Art. 27, Governments undertook to take, or to propose to their legislatures, the measures necessary to prevent at all times misuse of the Red Cross name and emblem. Art. 28¹ moreover prescribed that misuse of the sign in wartime should be punished in the same way as unlawful wearing of military badges. The Convention thus forbade misuse of both protective and indicatory signs, although at the time the distinction had not been specifically made.

Moreover, abuse of the protective sign in wartime had long been recognized as an offence under international law. Art. 23 of the Regulations annexed to the IIInd Hague Convention (1899) forbade unauthorized use of the distinctive markings of the Geneva Convention, and this clause was introduced in full in the same Article of the Regulations, revised in 1907 and still in force².

During the 1929 revision, the emphasis was on the problem which had arisen indirectly from the 1906 Convention: protection of the emblem of the Swiss Confederation. In order to get over the 1906 prohibition, unscrupulous traders had taken the sign of the white cross on red ground, counting on the analogy with the red cross sign and the possible confusion between the two.

Art. 27 was retained, but this time it also prohibited imitations of the red cross emblem. Unfortunately, the clause of Art. 28 which dealt particularly with misuse of the protecting sign was deleted; thus disappeared, at least in the Geneva

¹ The same provision was introduced the following year into the Xth Hague Convention for the adaptation to maritime warfare of the principles of the Geneva Convention.

² It may be noted that the War Responsibilities Commission which was set up to prepare the Peace Treaties of 1919, included in the list of war crimes the deliberate bombing of hospitals, attack upon, and sinking of hospital ships, and violation of other regulations concerning the red cross. The United Nations War Crimes Commission used this list as a working basis. A United States Military Tribunal in 1946, for example, sentenced to imprisonment a soldier who, while in a vehicle bearing the red cross emblem, opened fire on the enemy. See *Law Reports of Trials of War Criminals*, Selected by the United Nations War Crimes Commission, Volume XIII, p. 146.

Convention, the distinction between the two types of abuse, between which there is so vast a difference in kind. The texts allowed both to be prosecuted, but were so worded as to create the impression that they covered only so-called commercial misuse—alone expressly mentioned. The consequence was that where legislation was introduced in fulfilment of obligations under the 1929 Convention, it generally covers commercial abuse only¹. The necessity for systematic repression of the infinitely more serious abuses of the protective sign in wartime was almost completely ignored.

(C) *Absolute character of the new Article.* — Art. 53 of the 1949 Convention marks a real step forward. Firstly, it makes an absolute prohibition of what in 1929 (Art. 28) was subordinated to measures which Governments should take, or propose to the legislatures—a qualification which very much weakened the effect.

The new Article has the same standing as the various other prohibitions in the Convention dealing with the wounded, medical units, and so on. Its place should therefore logically be in Chapter VII (The Distinctive Emblem) rather than in Chapter IX (Repression of Abuses and Infractions). It should come immediately after Article 44, or even form part of it. A Delegation drew attention to this point, but, for reasons of procedure, the Conference let the matter rest².

¹ See the *Recueil de textes*, published by the ICRC in 1934 and giving laws and decrees relative to the application of the Geneva Convention, especially those concerning repression of abuse of the emblem.

² This change would also have increased the emphasis on the other provisions of Chapter IX. It is regrettable that, in 1929, protection of the emblem was presented as the principal of the very many obligations under the Convention as a whole. Consequently, most national legislatures devoted their chief attention—and even here they did not go far enough—to this point, whereas the question of protecting through more precise measures than the ordinary rules of penal law, the wounded, and medical personnel and supplies against the attacks to which they are too often subject, required such attention at least as urgently. The 1949 Conference happily considered repression of infractions of greater moment than was the case in 1929.

PARAGRAPH I. — MISUSE OF THE RED CROSS EMBLEM

(I) *Object of the Prohibition*

(A) *Protective Sign.* — The first Paragraph, as likewise Art. 28 of 1929, prohibits not only misuse of the indicatory sign (e.g., its use for commercial purposes) but also abuse of the protective sign in wartime. The prohibition applies to “any sign... at all times... whatever the object of such use”. Paragraph 3 of the general Article 49, obliging the High Contracting Parties to take measures necessary for the repression of acts contrary to the provisions of the Convention, would in itself authorize such repression ¹.

But, as in 1929, the distinction between the two types of abuse is not made. The very wording of Art. 53 may cause confusion; as it sets out in detail so-called commercial abuses, it might be inferred that these only are covered.

It is very necessary that States should not merely rely on the general provisions of their municipal legislation but adopt precise and stringent legal measures to put down abuse of the protective sign. Penalties should in this case be very much more severe than for illegal use of the red cross for commercial purposes, or in trade marks. The fact that buildings in a war zone display the red cross sign although not entitled to do so, may compromise the security of hospitals which legally bear it, and undermine the respect due to the Convention. It is a question of human lives. The Committee suggested this improvement in the text to the 1949 Conference, but the matter was unfortunately overlooked ².

In any case, even though the 1949 text might have been more precise, it is still adequate. Governments are responsible

¹ Art. 23 of the Regulations annexed to the IVth Hague Convention, 1907, is still in force, and forbids, in wartime, misuse of the distinctive emblem of the Geneva Convention.

² There are grounds for holding that abuse of the protective sign should come under the “grave breaches” dealt with in Art. 50.

for giving effect to the new clauses, and adapting their legislation to forbid and punish both sorts of abuse.

(B) *Indicator Sign.* — If the protective sign must, as a first care, be safeguarded against any form of misuse, it is no less true that misuse of the purely indicator sign should also be relentlessly put down. The public, seeing the red cross on articles that have nothing to do with any charitable action¹, may fail in other circumstances of the most vital importance to recognize it for the protective sign it is.

(C) *Protection of the Title.* — Prohibition of misuse should obviously not be confined to the emblem only, but extend to the words which form its legal title. The words are as familiar to the public as the emblem, and enjoy the same prestige. Since 1906, the title "Red Cross" and its synonym "Geneva Cross" are protected in the same way as the emblem.

(D) *Imitations of the Emblem.* — A happy innovation in 1929 was to forbid unauthorized use not only of the originals, but of every sign or name which constituted an imitation of the emblem and title. This clause was naturally maintained in 1949.

Commercial undertakings, debarred after 1906 from making use of the emblem without risk of prosecution, thought out, with an ingenuity worthy of a better cause, signs which could not be said to be the red cross, but gave the impression that they were. This enabled them with impunity to claim for their products some at least of the prestige attaching to the emblem. As examples we may quote a red cross with a figure, or another cross superimposed; a red cross which had only the outline or part of it in red, on a background of different colours; a cross half red and half white with the two colours reversed on the background; a red star which from a distance

¹ The curious fact may be mentioned that in one army it was customary to mark gas bombs with a coloured cross according to contents and it even happened that some were marked with a red cross and called "red cross bombs". This practice, fortunately, did not survive. See *Revue internationale*, July 1939, p. 558.

looks like a cross. Such practices, harmful to the emblem and to the organization, had to be eliminated.

It is the duty of the authorities in each country to decide if a given mark constitutes an imitation¹. A decision is often difficult. The criterium should be whether there is a risk of confusion in the public mind between the mark and the red cross, as it is precisely this that the clause is intended to prevent.

The intention of the user should also be examined, to determine whether he wilfully intended to exploit the prestige of the emblem. In such cases the Convention and the Red Cross should have the benefit of the doubt. If the user meant no harm, why should he have chosen a mark resembling the red cross? There can be no objection to replacing it by signs that are altogether different.

2. *Effect of the Prohibition*

(A) *On Organizations and Individuals.* — Use of the emblem is forbidden to everyone not expressly authorized by the Convention. Art. 44 gives a limitative list of those entitled. Amongst organizations, Red Cross and other recognized relief societies only are mentioned. The sole exception—and this is accorded only with explicit permission of the National Red Cross—is to identify a relief post or motor ambulance (Art. 44, Par. 4). Governments themselves may employ the sign only to distinguish the staff and the material of their Medical Services².

(B) *As regards Employment.* — Use of the emblem (always apart from permitted cases) is forbidden “whatever the object of such use”. We saw above that the prohibition applies to both the protective and the indicatory emblem. It also means that the emblem cannot be utilized, outside the Conventions,

¹ It is clear that any red cross, whatever its shape or background, constitutes an imitation and should be forbidden.

² We refer here to the limits set out by the Convention with which we are dealing—the First; they are enlarged somewhat in the Second and Fourth Conventions (1949). We refer to the Commentary on Art. 44 where there is a complete list of the cases in which the red cross emblem may be employed. See English Supplement, January 1952, pp. 14-16.

for any object, however commendable, or for any other humanitarian purpose. If the red cross is sometimes scandalously exploited in order to sell pseudo-medical rubbish, there are other abuses which, although illegal, have no moral taint. Doctors and chemists offer typical examples.

It seems quite right that representatives of these two professions, both serving humanity, should have a distinctive and uniform emblem to designate their residences, their cars, or themselves personally. But instead of the inadmissible course of trying to take the red cross or the Swiss cross as emblem, why should doctors not adopt the sign of Asclepius (the staff and snake—not to be confused with the Caduceus of Mercury, which is the symbol of commerce) as some medical authorities have recommended? Chemists, in turn, could use the ancient sign of their profession: the snake, entwined round the cup of Hygiea, the goddess of health, daughter of Asclepius¹.

Moreover, a good deal of popular instruction is needed to root out the misconceptions of those who still believe that the red cross might be used to designate everything which can be connected with the fight against disease.

(C) *As regards Time.* — Firstly, the prohibition is valid “at all times”—in peacetime as in war.

Secondly, unauthorized uses must disappear irrespective of the date of their adoption. This requirement was already clearly contained in the 1906 and the 1929 Conventions².

¹ See *Revue internationale*, 1933, Feb. p. 128, March p. 218 and April p. 310; 1935, Febr. p. 113; 1942, Jan. p. 77; 1943, Febr. p. 111.

² On this point we cannot agree with the opinion of Paul Des Gouttes (*Commentaire*, pp. 206-207). The prohibition in Art. 28 of the 1929 Convention was already absolute. There is no question of retrospective action; it would be, if it were intended to penalize those who have used this sign before the Convention was drawn up. But the Convention provides only for the future. Within five years from its coming into force, no use of the emblem will be lawful, except as provided in the Convention. The only object of the last sentence of Art. 28 is to prevent the registering of new unlawful signs during the intervening period. Finally, it may be noted that in ratifying the 1929 Convention, two States made reservations precisely with the idea of preserving the rights of previous users, as far as the emblem of the Swiss Confederation is concerned. They would not have done so if the Convention had spared such rights.

Some States, however, followed constitutional principles in legislating, and reserved rights acquired by previous use. It is therefore most fortunate that the wording should now be explicit. Manufacturing or trade marks incorporating the red cross must disappear, even if they have been in use for a hundred years. Commercial interests, however legitimate, must give way to the higher interests of humanity, whatever the cost may be.

PARAGRAPH 2. — MISUSE OF THE WHITE CROSS
ON A RED GROUND

(A) *Types of Abuse.* — The formal prohibition, stated in the 1906 Convention and given legal effect by the national legislatures, of unlawfully using the red cross sign, led to misuse of the Swiss arms by a number of commercial firms—chemists in particular. Deprived of the red cross and wishing to exploit its prestige, they took the emblem which most nearly resembles it without actually being what would in law be considered an imitation. The Swiss flag was an obvious choice, constituting as it does the prototype of the other, with the colours reversed. Experience shows that most people will be vague about the difference between the two. The Swiss armorial bearings began to crop up on all sorts of medical or pseudo-medical articles, including the most questionable.

The resulting damage to the emblem of the Convention and to the Red Cross was not any less for being indirect. The effect was to mislead the public. The red cross, or the white cross on a red ground, is more or less tacitly accepted as a sort of guarantee, indicating, whether the article be food or drug, that it has been produced under medical control. Such misuse is mere exploitation of the good fame of another. Moreover, the tribute the Geneva Conference had intended to render to Switzerland turned into ridicule, since its flag was degraded¹.

¹ The Danish flag has been outraged—although less frequently—in the same way. It consists of a white cross on red ground, but not humetty as is the Swiss cross; the arms of the cross extend on all four sides to the edges of the flag.

The arms of countries are not, however, without international protection. The Paris Convention of November 6, 1925, for the protection of industrial property, revising a previous Convention of March 20, 1883, took an important step forward. Under Art. 6 (c), the High Contracting Parties undertook (1) to forbid the use of State arms and their heraldic imitations, either as manufacturing or trade marks, or as part of such marks, and (2) to prohibit the commercial use of State arms when such use was liable to mislead buyers as to the origin of products.

These provisions were not in themselves sufficient to eliminate existing abuses. They were inadequately incorporated in municipal law, and applied only to manufacturing and trade marks. Moreover, the heraldic criterium appears particularly unfortunate. Heraldry is a complex science, known to a few specialists, and depends on details so precise that the slightest change can rule out imitation, even where the public would observe no difference. It was rightly said that the heraldic standard was ideal—for cheats!¹ Moreover, as the Swiss colours were little known abroad, it was difficult to show that their use could lead the public astray.

(B) *Extent of the Prohibition.* — It was clear therefore that the sign of the white cross on a red ground must be protected by introducing the requisite clauses into the Convention itself, and this was done in 1929.

The clauses were maintained in 1949, with some additional details. It is not alone “by reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours” that the prohibition exists, but especially because “of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention”. The principal object of the clause is thus to preserve the red cross sign from every sort of infringement, and to pillory firms who exploit the likeness of the two emblems in order to mislead the public.

¹ The International Association for the Protection of Industrial Property is preparing a revision of the Paris Convention. It is seeking to replace the heraldic standard, the new test being the possibility of confusion.

Imitations of the Swiss cross, as the red cross itself, are also prohibited, because of sharp practice by business men in the past ¹.

The Federal colours are, however, less strictly protected than the red cross. A general prohibition is hardly feasible. To take one instance only, they are largely employed by Swiss nationals as their national emblem. The prohibition therefore applies to their use as a manufacturing or trade mark, or as part of such marks, and, for the rest, in cases where it is an unfair means of competition or liable to wound Swiss national sentiment.

A more explicit formula, unreservedly preventing all unfair commercial use, might have been desirable. But as it stands, the clause is adequate to allow Governments who so wish, to apply the letter and spirit of the Convention and eliminate every use of the Swiss cross which may lead to confusion with the red cross, or imply a medical guarantee or semi-official recommendation.

The first Paragraph prohibits misuse of the red cross "irrespective of the date of its adoption", but this phrase does not occur with reference to the Swiss arms in Paragraph 2. The question arises whether or not this allows States to admit vested rights of those using the white cross on a red ground. Although this was the aim of the Delegation which proposed the deletion of the clause, we do not think so. The present wording of Paragraph 2 is absolute, and an explicit reservation would have been needed to spare previous users. The corresponding provision in 1929 which, even with regard to the red cross sign, did not contain the words "irrespective of the date of adoption", already denied the maintenance of acquired rights. Moreover, State arms are protected by long-standing tradition, international and national; abuses should therefore have all disappeared. If some still remain, it is because municipal law is inadequate, or the authorities insufficiently vigorous. There is no justification for prolonging further a situation which we have shown all along to be highly prejudicial.

¹ While every imitation red cross should be denounced whatever the background colour, it could scarcely be held that every white cross is an imitation of the Swiss flag.

PARAGRAPH 3. — PERIOD OF GRACE IN STATES NOT
PARTY TO THE 1929 CONVENTION

From the entry into force of the Convention in each country, the double prohibition of misuse of the red cross sign and the Swiss arms will be obligatory at once in all States party to the 1929 Convention, because this treaty had already introduced the prohibition.

A very few States not party to the 1929 Convention ¹ may grant prior users of the red cross sign up to three years grace. It is further understood that during this period—an innovation is made here with good effect—signs and emblems employed must not be such as would appear in time of war to confer the protection of the Convention; therefore, purely indicatory signs may still continue for a limited period.

No such period can be allowed for improper use of the flag of the Swiss Confederation. This is commonsense, as the flags of States have been protected for longer even than the red cross itself.

PARAGRAPH 4. — PROTECTION OF THE ALTERNATIVE EMBLEMS

Paragraph 4 introduces a completely new provision. Illegal use, not only of the red cross sign, but also of the alternative emblems which replace it in certain countries, are henceforth prohibited in all States party to the Convention.

As Paragraph 4 refers back to Paragraph 1, the extent of the prohibition is the same as for the red cross, and thus covers imitations also ².

¹ Reference might also be made to the 1906 Convention, which already protected the red cross sign, but this Convention did not explicitly prohibit imitations.

² It was mentioned at the 1949 Conference that cigarette-boxes of the Turkish State Tobacco Company bore a red crescent, accompanied by stars, on a white ground. This mark, by reason of the colour, appears to us an imitation in the same way as would be a red cross accompanied by stars or other additions.

There is a vital difference in Paragraph 4, however: the prohibition concerning the two alternative emblems does not affect vested interests, but applies only to use of the emblems after the Convention has come into force.

This clause alone made Paragraph 4 possible; otherwise it would never have been adopted. It would clearly have been impossible to eliminate throughout the world signs which are used as a symbol of neutrality in only a very few countries ¹.

ARTICLE 54. — PREVENTION OF MISUSE

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

National legislation is required to enforce the clauses of the Convention which protect the emblem, and will continue to be necessary until some kind of international control can be introduced. This is to be hoped for but, in the present state of the world seems a doubtful prospect. Apart from administrative measures, municipal legislation is needed to prohibit and punish misuse, collective and individual.

Offences against the protective sign in wartime come naturally under the Military Code, which deals with offences against the laws and customs of war. Other abuses will be dealt with by Regulations for the application of the Geneva Conventions; forming part of public or administrative law, these will of course contain penal clauses.

It was pointed out (p. 5) that Article 53 should have come in the Chapter on the distinctive emblem; Article 54, on the other hand, is very properly in the Chapter on the repression of abuses and infractions. It might even have been incorporated

¹ Persia alone uses the red lion and sun, and is not party to the 1929 Convention, which recognized this alternative symbol. As Persia is not party either to the 1906 Convention, it has contracted no obligation to protect the red cross or red crescent against misuse in its territory. It might accordingly appear unreasonable to provide for the protection of the red lion and sun in other countries. It is to be hoped that early ratification by Persia of the 1949 Conventions will end this anomaly.

in Article 49, which binds the Powers generally to take the measures necessary to prevent breaches of the Convention. It was accordingly suggested at the 1949 Conference that the two Articles be amalgamated, but the question was overlooked by the Commission dealing with the subject. The separate Article 54 was therefore drawn up to avoid re-opening discussion on Article 49, which had already been adopted.

Article 54 is obligatory where the corresponding provision in 1929 (Art. 28, Par. 1) was not. The earlier clause provided only that Governments of Contracting Parties " whose legislation was inadequate shall adopt or propose to their legislatures the measures necessary " to prevent abuse of the emblem. A wording allowing the legislatures the option of refusing, partly or in toto, the Government's " proposals ", was rightly rejected. It is the Contracting Parties themselves—by definition, sovereign States—whose will is expressed by Parliamentary votes, which, on ratifying an international convention, accept all the obligations resulting from it. There is no reason why an exception should be made in so important a case as the protection of the red cross. This singular anomaly, fortunately, did not enter into the Convention.

Wherever legislation is inadequate—and it can be counted as such, even if only as regards the newly-prescribed protection accorded to the red crescent and the red lion and sun—it must be amended. The Convention sets no time limit. If at all possible, the adaptation should already have been made when the Convention takes effect, that is, six months after ratification.

Article 53, in addition to welcome improvements, has the advantage also of following the general lines of the corresponding provision of 1929, and this will facilitate the changes required.

In most cases, however, municipal law is very inadequate, even in regard to the 1929 stipulations. It is therefore to be hoped that States, faced with the formal application of the new text, will take the opportunity to give full legal protection to the emblem against every kind of abuse.

There is a further point. The 1949 Conventions considerably extended the authorized use of the emblem. Previously reserved to certain categories of persons and objects clearly defined and

subject to strict military control, it now covers (with restricted safeguards) civilian hospitals, their staffs, and certain means of transport for sick civilians. The emblem is thus rendered more vulnerable than before, and there is a vital need that its protection be reinforced and the vigilance against misuse increased.

In speaking of Art. 53, we underlined the points on which national legislation should be completed and made more explicit ; the reader should refer back. We may, however, recall here the necessity of putting down not only the so-called commercial misuse of the indicatory sign, but also abuses of the protective sign in wartime. The latter are much more serious and should be punished proportionally with greater severity. Specific penalties should be set out, instead of relying on general clauses in the penal law.

Laws protecting the sign of the white cross on red ground should prohibit all uses which exploit possible confusion between it and the red cross sign, or tend to imply a medical guarantee. Such practices must be eliminated, even though of long standing.

Finally, it is not sufficient merely to pass legislation, however adequate in itself. There must be a close watch to ensure that abuses will be tracked down and those responsible prosecuted. Most often illegal practices will end once a warning has been given. Public authorities will have a valuable ally in the National Red Cross Societies. The emblem is in large measure the heritage of these Societies, and they would do well to watch over it jealously. Unremitting attention is required for the successful defence of the red cross symbol and the maintenance in full of its profound significance.

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INTERNATIONAL COMMITTEE OF THE RED CROSS

INFORMATION NOTE OF MARCH 12, 1952 CONCERNING THE CONFLICT IN KOREA

It will be remembered that at the end of January, Generals Kim Il Song and Peng Te Huaih replied to a message from the International Committee of the Red Cross by repeating a former proposal that joint Commissions should be set up to visit prisoner of war camps after an armistice had been signed. The Commissions would be composed of representatives of the North Korean Red Cross, the Chinese Red Cross and the International Committee.

The Committee felt that the proposal seemed to imply that it could be considered as the United Nations Red Cross. It has recently sent two further messages to the Commanders-in-Chief of the People's Army of Korea and the People's Army of Chinese Volunteers. The second message was sent on March 5, 1952, and referred to the various ways in which the Committee has tried to obtain the facilities necessary to enable it to protect war victims on both sides, in conformity with the spirit of the Geneva Conventions, and even independently of any armistice. Both messages pointed out that all international activities of the Red Cross depend on the consent and good-will of the competent authorities, but are carried out in full independence of such authorities and of every inter-governmental organization whatsoever. The Committee had accordingly to make it clear that it could take part in the work of the proposed joint Commissions only in so far as the National Red Cross Societies on both sides were represented on them, in which case the role of the Committee would be quite distinct from that of the National Societies on either side.

The messages also pointed out that the International Committee of the Red Cross in Geneva had already spent a good deal of money in sending out the Delegates who are at present at work in South Korea, where they are assisting more than 150,000 prisoners of war ; and also in building up, mostly from its own funds, relief supplies—particularly medical supplies—at present stored at Hong Kong. The Central Prisoners of War Agency in Geneva has likewise sent the North Korean authorities full information about the prisoners of war just mentioned. The Committee expressed the hope that its specially independent position should be recognized, and that there should be no further misunderstanding or confusion of the Committee with the United Nations Organization.

The United Nations representatives at the armistice talks proposed in turn that the work of assisting prisoners of war should be entrusted to teams of delegates from the National Red Cross Societies of the Parties in conflict. The Committee welcomes every initiative likely to improve conditions for prisoners of war. For its part, and in accordance with the traditional principles which govern its work, it is ready to take any steps which could help in co-ordinating the activities of these teams on either side ; it is a vital and fundamental duty, expressly entrusted to the ICRC under the Geneva Conventions, to facilitate in every way the provision of relief to prisoners of war.

INFORMATION NOTE OF MARCH 13, 1952

The President of the International Committee of the Red Cross, M. Paul Ruegger, sent the following message on March 12, 1952, to Mr. Dean Acheson, United States Secretary of State, General Kim Il Song, Prime Minister of the People's Republic of Korea, and General Peng Te Huaih, Commander-in-Chief of the Chinese Volunteers :

“ The public has been told through numerous news items in the Press of allegations that bacteriological weapons had recently been employed in Korea. The ICRC has received protests on the subject from the Red Cross Societies of Hungary, Poland, Roumania, and Bulgaria.

The Government of the United States, which denies these allegations so far as it is concerned, has also addressed itself to the ICRC, asking if the Committee would be prepared to have an inquiry made with the object of determining the real causes, the nature, and the extent of the epidemics which are stated to have occurred in North Korea. The United States Government proposes that such inquiry should be made on both sides of the fighting lines in Korea, and offers to give the representatives of the International Committee full access behind the United Nations lines to all possible sources of information having a relevance to the inquiry.

In conformity with the principles which govern its attitude in such cases and which were set out in its Circulars to Governments and National Red Cross Societies of September 1939 and November 1951, the Committee is today addressing the following communication to both Parties to the Korean conflict :

1. Subject to the agreement of both Parties, the International Committee of the Red Cross will set up a Commission which will be under its direction. The Commission will be composed of persons who will offer every guarantee of moral and scientific independence which could be offered by experts.

who have highest qualifications, especially in epidemiology. It will address itself to known specialists whom it will itself select in Switzerland ; it will also invite two or three scientific experts whom it shall ask the National Red Cross Societies of Asiatic countries not taking part in the conflict to propose.

2. The above-mentioned Commission must be assured of the co-operation of the authorities on both sides of the front, and of experts whom they will nominate.

The International Committee of the Red Cross requests both Parties to be good enough to let it have their replies at the earliest possible moment so that, as soon as their agreement is notified, it can take the emergency measures which will be called for. ”

PRINCIPAL ITEMS OF INTEREST

Greece. — During the month of February, 1,300 kilos of medical supplies, drugs, and surgical and medical instruments, worth more than 31,000 Swiss francs, were sent to the Athens Delegation. They will be made available to various categories of persons in need, especially those in camps and prisons.

Italy. — The Committee has sent the Italian Red Cross a consignment of drugs worth some 26,000 Swiss francs, to be used for tuberculous war victims. The gift is part of the general relief scheme which is aided by the ICRC and was mentioned here in November 1951. The Italian Red Cross will arrange the issue.

Yugoslavia. — The Committee has sent the Yugoslav Red Cross some 250 individual parcels of tonics and vitamin products for Germans detained in Yugoslavia. The consignment is worth about 3,500 Swiss francs.

War Invalids. — The War Invalid Section has sent the Polish Red Cross fifty Braille watches purchased from the funds of an Australian bequest mentioned in this column in November last.

Last of the Surplus Kit. — An important scheme begun by the Committee during the war has ended. Although nothing has been actively done about it during the last few years, it is worth drawing attention now to the scheme, which was operated through several National Red Cross Agencies, and in particular through the Bavarian Red Cross.

It became clear in 1944 that German and Italian prisoners of war in the United States would have great difficulty in taking all their property with them on repatriation. In agreement with the War Department, the Committee undertook to collect all excess property, and once hostilities had ended, to send it to Germany, Austria and Italy. There was all the more need for the scheme because the property in question had mostly been bought by the prisoners out of what they earned, and it would

very likely be in short supply in their own countries. In addition, most of the prisoners would not be repatriated directly but transferred temporarily to other Allied Powers. Forwarding arrangements were made, and applied also to prisoners interned in Canada. Some 180,000 parcels, weighing more than 2,000 tons, were sent to Geneva, and from there to Bremen.

The restoration of the property to its owners took a long time because the men concerned changed residence many times. The Austrian, Italian and Bavarian Red Cross—the latter receiving more than 150,000 of the parcels—undertook the very laborious work involved and now brought finally to an end. The Bavarian Red Cross, through the Press and Radio, has now announced a time-limit of three months for any claims of the former prisoners whom it has been impossible to reach up to now. The balance left is in any case extremely small, representing only 0.6 per cent of the property taken over by the Bavarian Red Cross.

*RECOGNITION
OF THE CEYLON RED CROSS SOCIETY*

Circular No. 397

Geneva, March 6, 1952.

To the Central Committees of the National Societies
of the Red Cross, Red Crescent, and Red Lion and Sun

Dear Sirs,

We have the honour to inform you of the official recognition by the International Committee of the Ceylon Red Cross Society.

This Society was founded on April 1, 1949, following the accession to independence of Ceylon the previous year; it replaces the Ceylon Branch of the British Red Cross which was established in 1936 and dissolved on March 31, 1939.

By letter of February 12, 1952, the President of the Executive Committee of the Ceylon Red Cross Society requested the recognition of the International Committee, and enclosed the Royal Decree of November 27, 1951, in connection with the Society, together with a copy of its Statutes.

These documents were examined jointly by the Committee and the Secretariat of the League of Red Cross Societies, and showed that the prescribed conditions for recognition of new National Societies by the International Committee were fully satisfied.

By virtue of the ratification deposited by the United Kingdom on June 23, 1931, Ceylon is party to the 1929 Geneva Convention; this is also confirmed in the Royal Decree on the subject of the Society.

Under the terms of the Decree and the Statutes of the Ceylon Red Cross, the essential duties of the Society are to assist the wounded and sick at all times, to improve health, to fight against disease and to mitigate suffering.

Their Majesties the King and Queen were Patrons of the Society at the time of the foundation ; the Governor-General of Ceylon is President. The Chairman of the Central Council is Mr. R. N. Bond, O.B.E., and Sir John Tarbat is Chairman of the Finance Commission. The headquarters of the Society are at Colombo.

The International Committee of the Red Cross is happy to welcome this new Society to membership of the International Red Cross and, by the present Circular, to accredit it to the other Societies. The International Committee recommends the Society to them, and offers to the Ceylon Red Cross its sincere good wishes for the future, and for the success of its work of charity.

Very truly yours,

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Paul RUEGGER

President

CHRONICLE

SPREADING OF RED CROSS PRINCIPLES

The International Conferences of the Red Cross have dealt on several occasions with the question of making the Red Cross principles widely known, and it might be thought that nothing more remains to be said.

The Conferences of Paris (1867), Berlin (1869) and Geneva (1884) did not take up the matter; but the IVth Conference at Karlsruhe (1887) considered the following question:

What measures have been or should be taken by the Societies to spread the knowledge of the Geneva Convention in the army, in circles particularly concerned in its execution, and among the general public?

... the necessary steps shall be taken to inform the young of these ideas (amendment)

At Rome, in 1882, the Central Committee of the Austrian Red Cross asked the Conference to include an additional item on its agenda—namely:

How can young people in schools be made interested in the high mission of the Red Cross?

The report on this Conference in the *Bulletin international des Sociétés de la Croix-Rouge*¹ reads:

Another group of items referred to the promotion of Red Cross work. Thus item No. IV asked how young people in schools could be made interested in the high mission of the Red Cross, and item No. XIV concerned measures to be taken to spread Red Cross ideas among all social classes.

On the first point, Dr. d'Arneth submitted a report full of interesting ideas, while Professor Martens, speaking on the second, emphasized the absolute necessity of utilizing all possible means to spread the ideas of the Red Cross among all classes of the population, in order

¹ Vol. 23-24, p. 159.

to increase the resources upon which the Red Cross would have to call in case of public disaster or international war.

The proposal of the Central Committee of the Austrian Red Cross was not adopted (meeting of April 26, 1892).

At St. Petersburg (1902), Resolution XI on the agenda of the VIIth Conference included the following passage :

... it is also desirable that such instruction should be given orally in the armies.

At the same time, the VIIth International Red Cross Conference reminds all Red Cross organizations of their moral obligation, undertaken at the Karlsruhe and Rome Conferences, to utilize all means at their disposal to achieve a wide and fertile propagation of the Red Cross idea, and of its importance in time of war and in time of peace, among all classes of the population.

The XVth International Red Cross Conference, held at Tokyo (1934), adopted the following text of Resolution XXV under the title " Education of the Public " :

The XVth International Red Cross Conference, recognizing the importance of the medical and social work accomplished by the Red Cross Societies, taking into consideration the fact that the nature and extent of these services are determined by national and local conditions, believes that the essential role of the Red Cross in this sphere should be to educate the public, to try out new methods, and to promote co-ordination of effort between the public services and private organizations, using for the purpose, to the largest extent possible, specially trained personnel.

In 1938, the XVIth Conference at London adopted Resolution XXVI under the title " The Red Cross and Education " :

The XVIth International Red Cross Conference, having taken cognizance of the report presented by the League of Red Cross Societies under the general title " The Red Cross Educational Programme ", considers that this report deals with an aspect of capital importance to the work of the Red Cross and notes with satisfaction that emphasis is laid therein both on the moral and the practical side of the educational function of the Red Cross.

Finally, the XVIIth Conference at Stockholm (1948) adopted Resolution LXV : " Teaching and Publicizing Red Cross Prin-

ciples amongst Adults", submitted under that title by the American Red Cross :

It is considered that an important contribution to the education of adults in Red Cross principles and practice can be made if Red Cross members, at all levels, are aware that the honour of the Red Cross is at all times in their keeping. If they, at all times, in their private as well as in their public Red Cross lives, conduct themselves as those who truly believe in the Red Cross way of life, it will have the effect of making the public understand the beneficent influence which the Red Cross can have as a factor in the raising of humanitarian standards, and, in our opinion, should act as an incentive to the public to become members of our Organization.

These resolutions, set down in their chronological order from 1867 to 1948, give the impression of a prelude to a vast spiritual movement, but have not been followed in fact by as widespread or systematic a development as might have been expected, and the problem of how best to spread the fundamental principles of the Red Cross among all classes of the population remains unsolved. It is of general interest and its solution could be of particular value in assisting in the formation of an ethical public opinion.

It is true that the last thirty years have seen the creation of an admirable youth organization on which great hopes are laid. We speak of the Junior Red Cross which imbues millions of children and adolescents with altruistic ideas. Before the 1914-18 War, Scouting also began. Although these movements were not founded as a result of resolutions of the International Conferences, the fundamental conception underlying them is very close to the humanism of the Red Cross. They have in common a certain mental climate and many spiritual links. Moreover, both had their origin in a war.

During the Boer War (1899-1900), Sir Robert Baden-Powell, besieged in Mafeking, was able to hold out against heavy odds thanks to the help given him by boys in the town. He was so struck by their keenness and intelligence that when he returned to England after the war he started the first troops of Boy Scouts in Liverpool. There are now Scouts in every country,

forming an international association or, more correctly, an international brotherhood.¹

During the First World War, which took an enormous toll of human life and left devastation and misery in its wake, children were enrolled in all the branches of the Canadian Red Cross to help prepare medical supplies and other articles necessary for the health and well-being of the soldiers. The idea spread, and in 1919, the American Red Cross organized children for the same purpose. Then the New South Wales Committee of the Australian Red Cross followed suit, forming the children into circles, while in Italy they were enrolled, for the same purpose, as auxiliary members of local Red Cross Branches.

When the War ended, the Canadian and American Red Cross felt that these children, mobilized to meet the exigencies of the moment, represented a force which could be utilized for other purposes. The movement had a definite educational value. Moreover, the children agreed to help in the recovery of Europe by doing what they could to improve conditions for those who had suffered from the War.²

Since then, this admirable movement, which gives an outlet to the enthusiasm of youth, to its keen desire to develop and construct, has been promoted by the League of Red Cross Societies.³ It has tried "to instil into children the Red Cross ideal of peace, to accustom them to take care of their health, to help them to understand the duties of human and civic solidarity, and to foster the ideal and encourage the practice of mutual aid between them and the youth of their own country and of all nations"⁴.

The Junior Red Cross Division set up by the League Secretariat serves as a link between the Junior Red Cross in the

¹ See *Revue internationale*, February 1920, p. 174: « *Le Scoutisme et son rôle social* » by M. Pierre Girard, Scoutmaster at Geneva.

² See *Revue internationale*, August 1922, p. 662, " *Développement du Mouvement de la Croix-Rouge de la Jeunesse* " by Howard H. Barton, head of the Junior Red Cross Division of the League of Red Cross Societies.

³ Founded on May 3, 1919.

⁴ See *Revue internationale*, March 1922: General Assembly of the League of Red Cross Societies, Resolutions XVIII and XIX.

different countries. It is a permanent organ of liaison, co-ordination and study and serves as an information centre ; its object is to promote the spirit of the movement and support the efforts of the Junior Sections of the National Societies, in this way associating them in a form of common action which helps to develop a spirit of international fellowship.

The activities of the movement, founded on the idea of service, are many and worthy. They widen the horizon of young people and stimulate personal effort.

Nevertheless, however important and well-intentioned this movement may be, it is not enough to ensure the systematic diffusion of the principles of the Red Cross and the propagation of the spirit which animates it, nor does it provide a final solution to the problem posed by the International Conferences.

The solution must be sought elsewhere, one field particularly worthy of attention being that of direct co-operation between the Red Cross and public education authorities.

School curriculums should include the history of the work of the Red Cross—a story which bears powerful witness and stimulates high endeavour—and detailed study of the principles which inspire it. For it has been said that only a knowledge of the past can reveal humanity to us in all its sorrows and labours, and teach us to love it nevertheless.

The value of this work and the humanity which inspires it are still too little known to the great majority of people, who seldom hear of the Red Cross except through Press communiqués or talks over the Radio.

There is, no doubt, in all countries, a social *élite*—a few cultured minds—which understands the importance of the Red Cross and its ideals and admires the disinterested spirit of its work. But what of the “general public” and the “man in the street”?

The ignorance of the “general public” in regard to the Red Cross is too great, and an effort must be made to diminish and if possible end it. Even the initiated have a limited idea

of what the Red Cross means : to them it stands for nurses, for generous aid to the victims of disasters, for welfare workers and first aid...

They may know that the Geneva Conventions exist, but are ignorant of the provisions contained in them. It is doubtful if they have any knowledge of what Red Cross and the Central Prisoner of War Agency did during the two world wars. They probably know little of the problem of refugees and displaced persons or of the fundamental spiritual idea of the Red Cross.

The "man in the street" knows as little; possibly even less. But, like members of the general public, he can grasp the idea of relief, of mutual help under a thousand different forms in the struggle for existence. He is thus capable of understanding the special work of the Red Cross which is one of the highest manifestations of the instinctive feeling of human fellowship.

But again like the general public, he has not enough imagination to understand the background of ideas underlying the impulse which leads him to perform an act of charity or solidarity towards the distressed.

In addition to the members of the "general public" and to the "man in the street", who possess some degree of education, there are the "human masses" who carry out their lowly and anonymous tasks under every latitude.

They are ignorant or ill-informed and as a rule show little curiosity about Red Cross, although there is a keen sense of solidarity amongst the humble. That sentiment is perhaps unconscious, but in case of misfortune, it bursts forth spontaneously, and although not always clearly apparent, it is there nevertheless.

These "human masses" are most often illiterate,¹ lead a simple life, and in certain regions have used the same unvarying farming and artisanal methods for several thousand years.

¹ Recently, at a press conference in New York, Mr. Torres Bodet, Director General of UNESCO, pointed out that more than half of the population of the globe could neither read nor write.

In other parts of the world, their life is hard ; they are drawn up into the enormous machine of modern industrialism and have great difficulty in bettering their lot. Although they may have heard of the Red Cross, they, too, remember only the significant material aspects of its work : the distribution of food to the hungry ; or the work of medical delegates of the International Committee of the Red Cross, who, on their health missions, have nursed women and children in mobile dispensaries, or endeavoured to instil elementary principles of hygiene into as many of them as possible.

Many, on the other hand, know nothing of the delegates of the International Committee, but see the effective work done by the health teams of their own national Red Cross.

On the whole, the “ masses ” are not inhumane. If the poverty in which they live were not so great, they, too, would be able to understand the humanitarian spirit of the Red Cross principles, since those principles spell “ pity for individual distress ”.

There lies the difficulty in disseminating the fundamental conception of the Red Cross amongst these “ human masses ” for, as has been said, “ when millions and millions of human beings in the East have nothing to eat, it would be a farce to speak of humanitarianism and of the development of the human ideal ; effective measures must be taken to wipe out ignorance, hunger and disease.”

With particular reference to the “ human masses ” in the Far East, the spreading of Red Cross principles is thus closely related to the work undertaken to overcome distress and illiteracy by the Specialized Agencies of the United Nations, such as WHO, UNESCO, and FAO.

The “ masses ” of the West as well as those outside the western orbit, and the “ general public ” in all countries, are ignorant of the fundamental concept underlying the Red Cross movement. That is an indisputable fact.

This concept which has quickened the minds of men towards the suffering, should not be solely a theme of meditation for

the better educated and the intellectuals, but should be widespread.

It was inspired by certain historical events, and contains a code of ethics which reaches a high level of humanism ; — a code which is essentially individualistic in its respect for the human person, but is also universal, because it envisages man as an entity, irrespective of any religious, social or racial principles.

The Red Cross is concerned with the relief of human suffering, and only passes judgment upon the physical facts which have caused it, when requested to do so ; it does not try to influence events, but by its spirit of charity, it can influence public opinion. The conception of the Red Cross thus represents a splendid doctrine of human liberty and of respect for the dignity of the human person.

That principle is one of those which are most universally applied, because it has an appeal which is essentially disinterested.

It is that objective of universality which inspires all the actions of the Red Cross in the field of law and ethics, and confers on its activities their unique character of peaceful collaboration.

Independently of everyday life and of time and space, the Red Cross preserves its creative, spiritual and material forces intact, thus enabling it to rally unanimous opinion around it.

If it were better known amongst all sections of the population, the fundamental conception of the Red Cross, which potentially covers its whole activity and gives it a higher meaning, might profoundly influence public thinking.

To that end, especially in this age of internationalism, when ideas clash, conflict and never meet, the Red Cross should not rest content with its traditional activities in the legal, medico-social and relief fields, but should disseminate the human spirit of its work more vigorously than it has done in the past.

Its aim should not be to create a beatific state of humanity, a " Utopia ", but to be a guide, example and precept, which would aid in the spiritual development, more especially of the

young generations, by the hidden power of its altruistic code. It would aim above all at counteracting the lifelessness of their charity by telling the story of its humanitarian work and by citing the series of irrefutable documents which reveal in condensed and summarized form a large part of human suffering.

The work of the Red Cross is surely in reality the story of charity.

To spread Red Cross principles, the "general public" and the "man in the street" should be educated by giving appropriate instruction at school to children and juveniles; and an endeavour should be made to educate the masses where, it can be guessed, there are great depths of distress, by radio (the most effective way of broadcasting ideas throughout the world), by films, by the voice of delegates of the Red Cross (who are excellent missionaries¹, and by pictures and books.

A history of the Red Cross should be written in the form of a popular novel, to bring its work to the knowledge of the world at large; the intentions of the author should be limited to producing a work which is easy to read without the slightest effort, and which, by stating facts and ideas, and the ideas which were the starting point of the facts, will arouse a feeling of emotion and exaltation in the mind of the reader. For no matter how splendid the work of the National Red Cross Societies in this field, it is inadequate to spread the message of the Red Cross movement and to make known the magnitude of its work.

Instruction in the principles of the Red Cross, which is of far-reaching pedagogical importance, might be given in schools to pupils between the ages of 15 and 20, at a time when they are most receptive to beauty, when memory is vivid, before they become conscious of the realities of the outside world, and before they enter into the world of adults, where the outlook is often depressing. The human element would thus be introduced into the curriculums of primary, secondary and vocational

¹ Study groups or seminars might very well be planned at the headquarters of the ICRC, to complete the training of future delegates by pedagogical and sociological studies which are indispensable for their work as missionaries.

training schools, by teaching the young the history of the humanitarian movement ; for the history of ideas will play a great part in their attitude towards life.

Pupils should be taught the principles which the Red Cross has been trying to promote since its earliest beginnings ; they should be imbued with a spirit of brotherhood ; it should be explained to them that although force has generally governed relationships between men, it has always led the world to disaster ; they should be reminded, without using high-sounding words, that there is a hidden need for solidarity in the lives of men, that each individual harbours an abiding urge to help others (although it may sometimes be frustrated and often inarticulate), a profound yearning towards charity which leads to self-sacrifice in action, and to action itself.

Schoolchildren should be taught to think of distress which is undeserved ; to develop self-sacrifice, in order to counteract their youthful exuberance which might take the line of least resistance ; one should abolish in their minds the idea of war, by pointing out the uselessness of the monstrous destruction which it is likely to cause ; one should instill in their minds a profound terror of bloodshed, whose very nature is madness ; repeat to them constantly that all wars are civil wars, as Fénelon wrote at the time of the Battle of Malplaquet, where, it is said, " the starving slaughtered each other ", remind them of Hiroshima and Nagasaki ; speak to them of a policy of culture where the liberty and dignity of man would be safeguarded. That would form a " whole " which would arm the child spiritually and fashion within his mind ideas which would grow.

In short, the human message of the Red Cross should be adapted to their mobile and anxious minds ; it should enable them to learn the principle of universality, and should banish from their thought the law of superior numbers which is already predominant in too many fields.

For it cannot be too strongly emphasized that human communities are not governed merely by the laws of the greater number and of techniques, but largely by humanism, the true worth of which can never be stressed sufficiently.

And here also it would be the indispensable complement,

of far-reaching pedagogical value, to the positive side of the "youth factor". For it is always a difficult task to rouse young people of school-age from their egocentrism and materialism, teach them an ideal and guide their intellects and thought.

An effort should be made to overcome their indifference and teach them to understand the breadth of the profoundly human and disinterested conception of the Red Cross, before contact with the outer world has hardened them and they are influenced by the changeable impressions of the masses.

The writer believes that humanism, as a means of education, will attain its full value only when Red Cross principles, which are of unfailing interest, are taught in addition to traditional subjects, such as literature and science.

The teaching of Red Cross thought and action in State schools throughout the world, might, moreover, have far-reaching international repercussions, since it would fire the young with an ideal of peaceful living and humanity which should not be content to remain dormant, but should be translated into action.

To introduce "humanity" into school curriculums, to give life a certain poetical quality in the eyes of children and young people by making them study a subject of great spiritual value, directed towards the understanding of mankind, and towards improved daily relations between men—that would be the Red Cross answer to the burning problem of the maintenance of peace—peace among men, if not peace among States, the latter being above all a political edifice, a vast problem pertaining to the realm of interest, rather than to that of charity.

In an age when ideologies sacrifice and challenge human values, such instruction, which could dwell constantly on the supremacy of moral values and the danger of solutions obtained by force, would, by its aim and inspiration, become an important part of the Red Cross peace programme.

It would translate into practice the doctrine of peace which the Red Cross is endeavouring to spread by a campaign on a more intellectual level—one which might appear to be intended

solely for the better educated, and to be beyond the reach of the majority and of the masses, although it is true that in many countries the latter are receptive to the influence of the written and spoken word.

There is, however, no reason to suppose that by unflagging and long-term efforts on the part of the National Red Cross Societies and Governments, peace among men should not one day be identified with peace among States. That peace is the ardent desire of the Red Cross and of human communities, and without doubt corresponds to the general desire of the world today.

Attractive by its simplicity, the above conception of the teaching of Red Cross principles may seem to be over-optimistic. That argument may be put forward by its opponents. But to the sceptical who may think this "school campaign" of the Red Cross in favour of peace to be premature or even impossible, we can only repeat the words of Edouard Herriot in a message on the occasion of the third anniversary of the Declaration of Human Rights: "No ideal is more than a seed; but without seed, there can be no harvest."

Restricted to essentials, the programme of instruction in Red Cross principles might cover the following ground:

I. *Introduction*

General remarks on the development of humanitarian law; (Those remarks might reconstitute chronologically the periods and gradual evolution of humanitarian ideas).

II. *The Red Cross Movement*

The forerunners. Solferino; Henry Dunant and the "Chiesa Maggiore"; "A Souvenir of Solferino". The International Conference of 1863. Foundation of the International Committee of the Red Cross. The Diplomatic Conference of 1864. The Geneva Convention of 1864; its principles. The International

Committee of the Red Cross ; its legal activities ; its humanitarian work in peace and in war ; relief work of the ICRC. Revisions of the Convention of 1864 ; the Geneva Conventions of August 12, 1949. Delegates of the ICRC. The National Red Cross Societies ; their work ; their national and international activities. The League of Red Cross Societies. The International Red Cross Conferences. The Junior Red Cross. The Red Cross and Peace, etc.

III. *Help for the Suffering*

The First Convention (Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field ; comments. The Second Convention (Wounded, Sick and Shipwrecked Members of Armed Forces at Sea) ; comments ; etc. Medical missions of the ICRC. National Societies.

IV. *Respect of the Human Person*

The Third Convention (Convention relative to the Treatment of Prisoners of War) ; comments. The Fourth Convention (Convention relative to the Protection of Civilian Persons in Time of War) ; comment. Human Rights. The Rights of Children. Respect of the Human person in India ; Islam ; the Far East ; Native Africa ; etc. The abolition of slavery.

V. *Self-abnegation*

Mutual aid and fellowship. The great moral figures of humanity.

VI. *Collective relief*

The relief work of the ICRC ; of the League ; of National Red Cross Societies. International Organizations : WHO, FAO, UNESCO, etc.

Endless discussion could take place on the above programme, the items of which are in no way subjects for sermons or exhortation. But there can be no doubt as to the utility of such instruction.

In an age when opinions are so sharply divided, it is important to re-establish in the minds of school children the principle of respect of the human person ; to return altruism to its proper level—a high one ; to awaken children's minds to the signification of Red Cross work which is both universal in scope and decisive in its consequences, before opening wide to them the gates of learning.

All this cannot be the work of a day, and can doubtless be accomplished only after trial and error, progress and setbacks.

* * *

Let us recapitulate the essential points in our plan.

This article has endeavoured to show that the problem of spreading the principles of the Red Cross, which was the subject of a number of resolutions at International Red Cross Conferences, has not yet reached an over-all solution, and that today it is still, even more than in the past, a subject which demands immediate study.

It would therefore seem appropriate, with the support of the Governments—so that they can take the necessary legal and administrative measures—to introduce a course of “ humanitarian history ” into the curriculum of primary, secondary and vocational training schools. An elementary course in the new subject should be given in the senior classes of primary and vocational training schools, and a full course in the first two classes of secondary schools. The instruction given should be adapted to the intellectual standard of the pupils and should follow the programme which has been sketched out above. The deep theme underlying the basic idea of the Red Cross should not be made too abstract, but vivid by including examples from real life.

As a preliminary step, regional centres should be set up to train the schoolmasters and teachers responsible for giving instruction in this special subject ; unless, of course, it is proposed to open university courses for the purpose, for those training to be teachers.¹

¹ The ICRC has sent the text of the Geneva Conventions of 1949 to the Law Schools of all the Universities in the world, with a recommendation that the subject be included in university courses.

International seminars, in or outside of universities, could also be planned to enable young schoolmasters of varying cultural backgrounds to express their opinions, pool their teaching experience, exchange views, and establish more personal contacts, constantly bearing in mind that it is for them to translate into action the principle of international solidarity.

Schoolmasters and teachers, imbued with the faith they preached, would avoid making this subject appear to be something which had to be studied, and would try to make it attractive by lending a radiant quality to the positive elements it contains, remembering above all that "teaching is not a matter of instilling dry, lifeless ideas into the mind, but of sowing the seed in such a way that it will bear a harvest which will, in its turn, sow seed in other minds". They would leave their young pupils with a lasting impression of the benefits of humanitarian law, and would raise the human being to its proper level in their minds, before the memories of childhood had become dulled, and their pupils became gregarious, impatient to lose themselves in the crowd.

By thus introducing the instruction of humanitarian history into school syllabuses, a common culture, truly international, generous and disinterested, would be fashioned. It would demonstrate to the majority, and even to the "masses", how the spirit of all the nations can be harnessed to a great idea. No effort should be spared to impart this ideal of life. It would then be for the Governments to create and develop the teaching of the subject, which by its very purpose finds justification and significance.

Let us hope that despite the difficult period through which the world is passing, the plan may be implemented and that the young who follow these courses may realize that the Red Cross movement is a welcome stage on the path of international concord, which will spare mankind bloodshed, and avert the moral downfall of nations harassed by the dread of war.

Louis Demolis.

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SUPPLEMENT

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INTERNATIONAL COMMITTEE OF THE RED CROSS

INFORMATION NOTE OF MARCH 28, 1952, CONCERNING THE CONFLICT IN KOREA

Taking its information from a communiqué of the New China Agency, Radio Peking has broadcast tendentious and abusive references to the role it attributes to the International Committee of the Red Cross in connection with a proposed inquiry into allegations that bacteriological weapons have been employed in Korea. The terms of the broadcast have been reproduced by other press and radio agencies.

The true facts are that the International Committee never constitutes itself into an Inquiry Commission; should all the interested parties consent, it may agree to designate outside experts to make an inquiry.

The International Committee received protests from the Red Cross Societies of Hungary, Poland, Roumania and Bulgaria against the alleged employment of bacteriological weapons by United Nations forces. On its side, the United States Government asked if the Committee would consent to make an Inquiry on the subject. In view of these protests and the request made, the Committee informed the two belligerent parties that it would be prepared to nominate and direct an Inquiry Commission of recognized experts from countries taking no part in the Korean conflict, provided the consent of both parties was forthcoming and that the Commission would have the cooperation, on either side of the front, of the authorities and of specialists whom they would nominate.

In this way, each belligerent party could check the work of the Commission.

It is thus clear that the allegations made by the New China Agency, and broadcast, among others, by Radio Peking, are absolutely at variance with the facts, and, as such, categorically denied by the International Committee.

A SLIGHT ADJUSTMENT

Geneva, April 4, 1952

The International Committee of the Red Cross in Geneva is once again the object of attacks relative to its alleged inaction in regard to the tragedy of the German concentration camps during the 1939-1945 conflict. The Committee has already proved the baseless character of such criticism by the publication of a White Book in 1946 and a General Report in 1948, which are available to all.

It should be recalled that during the Second World War, only one *ad hoc* Convention existed for the protection of military wounded and prisoners of war. Accordingly before hostilities began and on their outbreak the ICRC multiplied its appeals to States for giving civilians in enemy hands a definite legal status, entitling them to effective protection and humane treatment. But the States did not respond to these appeals, and the ICRC could not extend its traditional assistance to those detained for political reasons. Until almost the very last phase of the conflict, its access to concentration camps was invariably prohibited.

The Committee did not however relax its efforts. Information having been obtained concerning a certain number of political prisoners, food parcels were sent them, and this practice was continued for all those whose names and places of captivity could be ascertained. A total of 750,000 food parcels was thus distributed. In view of the impoverished conditions reigning in Europe at the time, the Committee had great difficulty in procuring the parcels, the Allied blockade not having been lifted in behalf of these prisoners.

In March 1945 belated concessions were at last made by the Reich. Delegates of the ICRC were allowed access to several camps, where they remained until the Liberation, thus preventing last-minute massacres. Further, the ICRC established thirty-seven truck lines plying between Geneva

and Lübeck to carry food supplies, through Germany in a state of chaos, for the relief (by day or night and even on the roadside) of the mixed masses of civilian detainees and prisoners of war, who had hastily been evacuated from camps. The ICRC also liberated some camp inmates, notably seven hundred women from Ravensbrück, who were conveyed to Switzerland. These results may have been partial; but they nevertheless saved thousands of lives.

Throughout the War, the ICRC continued its appeals to the Reich authorities in behalf of civilian internees, and the concessions related above were only obtained after constant pressure. Some surprise has been expressed at the absence of any public protest by the ICRC. In default of an adequate Convention it was deprived of the right to claim access to camps. On just the same grounds the Committee raises no protest at the present day in regard to concentration camps which are notified to it, but to which it has no access. Moreover, protests of this nature are usually without effect. In Germany, for instance, such protests would doubtless have irremediably compromised the Committee's current action in favour of two million prisoners of war and a number of civilian internees. In the face of the Committee's insistence Berlin had in fact at one time, threatened to denounce the Geneva Convention relative to prisoners of war.

Public protest is perhaps an easy way of soothing one's conscience with the false belief that something has been achieved. But where practical and urgent action is required, it is often most effective in the primary interest of the victims themselves when it is silent, even at the risk of misunderstanding and misrepresentation.

PRINCIPAL ITEMS OF INTEREST

Korea. — (See P. 79). During the first quarter of 1952, the Central Prisoners of War Agency received official notification of 5,958 North Korean military personnel and Chinese volunteers held by the United Nations forces, together with the names of 1,178 deceased, of both nationalities. This information was conveyed, through the Moscow Embassy of the Peoples' Democratic Republic of Korea, to the prisoners' Home Powers, also enquiries concerning 73 German ministers of religion resident in North Korea. Information regarding the Chinese volunteers, and the enquiries, were also sent to the Chinese Red Cross.

Repatriation of Greek children. — On March 16, the fifth group of 84 Greek children from Jugoslavia left Belgrade for Salonika, where the children were handed over to their parents. The party was escorted by a delegate of the International Committee and the League, who in the usual manner was in support of the Jugoslav and Greek Red Cross Societies for the purpose of the repatriation.

Refugees. — Among the Resolutions passed by the VIth Pan-American Red Cross Conference held in Mexico last October, one was intended to acquaint Governments of the American Continent, through the intermediary of National Societies, with the serious problem of the refugees.

In view of this Resolution, and with the agreement of the League, the International Committee recently sent a letter to all Red Cross Societies of South and Central America, urging that every useful approach be made to their respective Governments, to arouse interest in the question of war victims and for their resettlement. In particular, the International Committee suggested that National Societies should endeavour to put schemes in motion, as far as their means allow and even on a reduced scale, for instance to facilitate the entry of small groups

into each country and their resettlement as members of the community. Moreover, the International Committee suggests that National Societies should not limit their efforts to the immigration of refugees—that they should be taken in charge on arrival and, if required, afforded material assistance until they are able to earn their living.

Similar approach has been made to the American and Canadian Red Cross on the subject of the Mexican Conference appeal.

Medical and Safety Zones. — In order that National Societies may be in a position to give useful assistance to authorities in their countries for the preliminary study of the setting up of Safety Zones, the International Committee has recently provided them with a draft plan giving all practical details to this effect. (See P. 85).

Third International Red Cross broadcast. — On Henry Dunant's birthday, May 8 (since 1948 entitled "International Red Cross Day") a special broadcast will be made from Radio-Geneva at 8.30 p.m. (GMT+1), with Duplex relays to about 10 other stations, on the work of the Red Cross, under the title "A hundred years later: under the same flag".

This broadcast is being given on the initiative of the International Committee under the auspices of the ICRC and the League, and is sponsored by the European Broadcasting Union. This year National Societies will be particularly well represented by members of ten different Societies sharing in the broadcast. These countries are Austria, Belgium, France, Germany, Greece, Jugoslavia, Morocco¹, Switzerland and (on different relays owing to differences of time or previous engagements) Canada, France-Asia (Saigon), Luxemburg and Monaco. Technical difficulties are unfortunately likely to prevent the intended participation of Australia.

A broadcast of this description requires considerable preparation; for some months the International Committee and the

¹ The participation of Morocco is not yet definitive.

League have been in contact with National Societies. A meeting was held on January 11 at the Paris headquarters of the French Red Cross, attended by representatives of the two International Red Cross bodies, four National Societies and members of several broadcasting agencies. The meeting drew up a general outline of the broadcast programme which will stress the universal nature of the Red Cross ; this theme will run through the narratives of the most modest of Red Cross helpers throughout the world, and will be mentioned in a short address by M. François-Poncet, Chairman of the Standing Commission.

The preliminary meeting also examined various technical questions in regard to this broadcast by Radio-Geneva, which has to a large extent been organised by the ICRC Broadcasting Section. For instance, the Duplex relays (i.e. direct contact by radio or cable) have to be carefully planned, especially for contacts with countries overseas. In view of the special nature of this broadcast, approach had to be made to the postal and wireless authorities of the countries concerned for the gratuitous use of certain lines. The Swiss postal authorities, always favourably inclined towards the Red Cross, have already given their kind consent.

PROTECTION TO CIVILIAN PERSONS
IN TIME OF WAR

*SUGGESTED PLANNING IN PEACETIME
OF HOSPITAL AND SAFETY ZONES*

Circular No. 398

Geneva, March 20, 1952.

*To the Central Committees of the National Societies
of the Red Cross, Red Crescent, and Red Lion and Sun*

Dear Sirs,

Under Article 14¹ of the Fourth Geneva Convention relative to the Protection to Civilian Persons in Time of War, of August 12, 1949, States are allowed to set up hospital and safety zones in their territory in order to protect from the effects of war certain categories of persons who have to be specially looked after: the sick, children, aged persons, and so on. In this way, the Convention provides a humane method, the importance of which could not be over-estimated, for dealing to some extent with the grave problem of civilian protection.

The VIth Inter-American Red Cross Conference, which met at Mexico in October, 1951, underlined the urgency of considering the creation of such zones in its Xth Resolution, and recommended the National Red Cross Societies to get in touch on the subject with their Governments.

¹ The text of this Article is given in annex.

The recognition of safety zones by the adverse Party, which alone guarantees their immunity in law, is brought about by an agreement entered into by the interested States; Annex 1 to the Convention is a Draft Agreement which they may take as a model.¹

Such Agreement, on which depends recognition of the zones, cannot be concluded before a conflict actually begins, but the zones themselves may be set up in peacetime.

It would seem highly desirable that preparations should be made in peacetime for setting up safety zones: it is not during the first days of a war, when the administration is overwhelmed with other work, that a solution should be sought for the many problems raised by the organization, administration and supply of a zone, and the conditions of admission to it. The zones could no doubt be employed in peacetime as holiday centres, camps for those left homeless by disasters, and so on.

There is a preliminary stage of preparation which should now be undertaken in every country, namely, the investigation from which plans can be drawn up which will be ready for application whenever it is decided to actually establish safety zones. Only such investigation can ensure that the zones will be set up under the most favourable conditions, and it alone will show how far they are feasible in each country. The investigation can be carried out independently of the executive measures which would be required, and at little cost.

Article 14 of the Fourth Convention invites the International Committee of the Red Cross to lend its good offices in order to facilitate the institution of safety zones. It was in this spirit, and in the hope of speeding up matters, that the International Committee thought well to draw up the headings for a working plan, and these it now refers to the National Societies. This is a sphere in which the Societies could no doubt usefully assist their own governmental authorities.²

¹ The Draft is reproduced in the attached enclosure.

² In certain countries there are various groups whose object is to study and set up safety zones. The *Association Internationale des Lieux de Genève* with which the International Committee maintains contact, tries to guide these different groups and gives them its support.

The Committee is of course at the disposal of the National Societies for any assistance or advice they may require ; on the other hand, if the Societies would be good enough to let it have results of their investigations, the Committee could pass the information on and thus allow all Societies to have the benefit of what had been learned.

The scheme set out below is based on the principles contained in the Draft Agreement annexed to the Fourth Convention.¹ Although the Draft is not binding, and the interested States may have to modify it, it still remains that it was drawn up with care and later adopted by the 1949 Diplomatic Conference. There can thus be no doubt of its value. It is desirable that in creating zones, the rules which to some extent have already received the approval in principle of the adverse Party should be followed. They would most likely be accepted also in actual fact ; zones set up on different principles might be recognized only with very considerable difficulty.

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS :

Leopold Boissier

Vice-President
President of the Legal Commission

Paul Ruegger

President

¹ For further details reference may be made to a survey : " Hospital and Safety Zones ", published by the Committee in English, French, and Spanish. It includes a commentary on the Draft Agreement.

SUGGESTED SCHEME

1. Determine where hospital and safety zones or localities could be set up in each country which would conform, so far as possible, to the following conditions :
 - (a) be far removed and free from all military objectives, or large industrial or administrative establishments ;
 - (b) not be situated in areas which are very likely to have an importance from the point of view of national defence ;
 - (c) not have lines of communication (rail, road, or water) which would have to be used by the armed forces ;
 - (d) be thinly populated in relation to the possibilities of accommodation.

Localities are given places, of small area, which would generally contain housing accommodation. They would primarily be watering places and pleasure and health resorts having a large accommodation capacity in the form of hotels, hospitals and so on.¹ Huts might be constructed on the outskirts.

Zones would be much larger and might include one or more localities. The construction of huts in the open country, in mountaineous areas, or beside villages, might also be considered here.

2. Estimate what proportion of the resident population would have to leave the zone because their work has a relation to national defence.
3. Estimate the number of persons who could be given shelter in each zone, including those who could be put up with inhabitants.

¹ Localities containing many historical monuments or works of art might also be considered.

4. On the assumption that the rural population, being widespread, would thereby be sufficiently protected, decide what urban centres or areas would have to have part of their population evacuated.
5. In each such centre or area ¹, make a census of the following groups:
 - (a) children under fifteen ;
 - (b) mothers of children under seven ;
 - (c) expectant mothers ;
 - (d) persons over sixty-five ;
 - (e) the wounded, the sick, and invalids.
6. From the data obtained under items (1) and (5) above, and bearing in mind distance and available transport, decide what groups should be transported to each zone, and in what proportions.²

The separation of members of a family—a difficult matter even in wartime—will arise here, and require particular attention. The separation will probably be less distressing in the case of persons already more or less separated from their families such as the sick, those living in homes, school classes, and so on.

7. Draw up for each centre, preferably by district, a list of names and addresses of those who would have to be transported.
8. Have, in each centre or district, persons who could look after transport, including arrangements for administration, stewards, feeding, luggage, etc. Designate the responsible authority.

¹ As a first stage, a limited study could be made of a given centre, as, for example, the capital.

² The categories given under 5) represent more than 40% of the total population.

9. Investigate the available transport possibilities—rail, bus, car, ambulance, etc.
 10. Have persons in each safety zone who could get the zone ready and organize the accommodation (administration, medical personnel, supply, police, firemen, air-raid wardens). Appoint the responsible authority.
 11. Study the evacuation from the zone of the transit population (in hotels) and part of the resident population (see under 2). Make arrangements for them elsewhere.
 12. Study the need for constructing huts, providing essential services, approach roads, sewers, shelters, etc. Arrange for marking the zone.
 13. See where the necessary material (beds, blankets, utensils, etc.) can be found and how transported and installed.
 14. Study how the zone can be regularly supplied with drinking water, food, reserves, clothing, pharmaceutical products, fuel, etc.
 15. See how work could be found for at least part of the people given shelter, and how they could be integrated into the economic life of the zone and the country. Organize schools and recreation.
 16. Make provision for the eventuality of having to evacuate the persons given shelter in the zone and of having to reinstall them.
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ANNEX

I

EXTRACT FROM THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949

Hospital and Safety Zones and Localities

ARTICLE 14

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

II

DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES ANNEXED TO THE FOURTH GENEVA CONVENTION OF 1949

ARTICLE I

Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and for the personnel entrusted with the organ-

ization and administration of these zones and localities, and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

ARTICLE 2

No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

ARTICLE 3

The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

ARTICLE 4

Hospital and safety zones shall fulfil the following conditions :

- (a) They shall comprise only a small part of the territory governed by the Power which has established them.
- (b) They shall be thinly populated in relation to the possibilities of accommodation.
- (c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- (d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

ARTICLE 5

Hospital and safety zones shall be subject to the following obligations :

- (a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

ARTICLE 6

Hospital and safety zones shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similarly marked at night by means of appropriate illumination.

ARTICLE 7

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital and safety zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse party has received the above-mentioned notification, the zone shall be regularly established.

If, however, the adverse party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

ARTICLE 8

Any Power having recognized one or several hospital and safety zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

ARTICLE 9

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

ARTICLE 10

Any Power setting up one or more hospital and safety zones, and the adverse Parties to whom their existence has been notified,

shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.

ARTICLE 11

In no circumstances may hospital and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

ARTICLE 12

In the case of occupation of a territory, the hospital and safety zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

ARTICLE 13

The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

IDENTIFICATION OF CHILDREN

Circular No. 399

Geneva, April 15, 1952.

*To the Central Committees of the National Societies
of the Red Cross, Red Crescent, and Red Lion and Sun*

Ladies and Gentlemen,

The Fourth Geneva Convention of August 12, 1949, relative to the Protection of Civilian Persons in Time of War provided in Article 24, paragraph 3, that :

They (the Parties to the conflict) shall, furthermore endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

It is clear however that this provision, if it is to be effective in wartime, calls for careful study in peacetime, as well as the adoption of practical measures. Collaboration between the National Red Cross Societies and the Governments would appear to be indicated as a means of furthering such study and promoting the adoption of such measures as required.

In the course of the last World War the lack of means of identifying children, many of whom were too young to give any evidence themselves of their identity, had disastrous consequences. Thousands of children are today irrevocably deprived of a return to their families, and thousands of parents are left for ever with the grief of having lost them.

Meritorious efforts have been made, with which the International Committee of the Red Cross has been associated as far as its means allowed, to reassemble families ; and certain results have been attained in the face of great difficulties. The adoption of measures capable of avoiding the danger of such difficulties in the future can only be regarded as desirable.

It should be observed moreover that the text quoted from the Fourth Geneva Convention was signed with an eye to war.

But it might equally well be applicable in the case of public disasters such as floods, earthquakes or other catastrophes which attack populations, and are liable also to break up families.

The International Committee of the Red Cross is aware that certain Governments and National Red Cross Societies have already considered this serious problem ; but it believes that the enquiries which have been made and the various projects which have been forwarded can only gain by being brought together with a view to the selection of what is best among them.

Accordingly, if there are no objections, the Committee would be obliged if you would inform it as to :

- (1) The position of the matter in your country and, where study has already taken place, its results ;
- (2) whether, and in what way, your Society proposes to collaborate with your Government for the implementation in peacetime of Article 24, par. 3, of the Fourth Convention of 1949 ;
- (3) whether you have any objection to your own studies of the question being communicated to the other National Red Cross Societies.

Should Junior sections of National Red Cross Societies desire advice or help in framing a programme, either on their own initiative or in consultation with the education authorities of their country, they should make contact with the League of Red Cross Societies. The Junior Bureau of the League is studying this problem, and has already made reference to it in the series of four articles on the Geneva Conventions issued in 1950.

Believe me, Ladies and Gentlemen,

Yours very truly,

For the International Committee
of the Red Cross

Paul RUEGGER

President

CHRONICLE

RETROSPECTIVE: THE RED CROSS MEMORIAL

Let the facts speak for themselves !..

Under the title "The Red Cross Memorial", the *Bulletin international des Sociétés de secours aux militaires blessés*¹, in its issue of July 1882, describes, in the following words, the clay model of a group of statuary, a photograph of which had been submitted to the International Committee of the Red Cross by Richard Kissling, of Soleure, a famous artist who had been working in Rome for many years :

"... There are three statues in the group.² The first is of a war victim, a wounded soldier. His body is lifeless and his clothes torn ; he would surely die if the nurse who is kneeling beside him and bandaging his shoulder had not arrived promptly on the scene to recall him to life. His benefactress, who has a noble cast of countenance, has forgotten the danger all around her, and is putting her whole soul into her task. It is obvious that a higher power is granting her the strength needed to perform her work of love unflinchingly. Moreover, she knows that she is protected by the spirit of humanity which watches over her and can be recognised by the name inscribed on its girdle and by the Red Cross on its breast. This third figure, erect and slender, does not touch the ground, but rises above the other two. Its arms are stretched forward, as though to command submission from the combatants, and the look which it bends upon its protégés tells us clearly enough that its rôle is to remind all who are tempted to forget it of the respect due to misfortune, and to charity.

¹ A bulletin which is still published today under the title : "Bulletin international des Sociétés de la Croix-Rouge."

² See inset which is reproduced here merely for information.

“ Thus all the elements of the work to which the artist wished to pay tribute are represented—on the one hand, the suffering caused by war which its purpose is to alleviate ; on the other, the two means which it utilizes—namely, the Red Cross Societies, whose work of mercy is well known, and the new legal principles proclaimed by the Geneva Convention.

“ We have nothing but praise for the way in which the scene of the soldier, and providence, in the form of a woman, has been represented. The sculptor has successfully avoided its realism, and has preserved all its poetical aspect. On the other hand, a few slight reservations might be made in regard to the allegorical figure presiding over the work ; but there is no need to go into them here, as they only concern minor details. Besides, the photograph at our disposal, which only shows the group from one angle, gives no more than an approximate idea of it, and does not, in our opinion, do it full justice.

“ Our readers are doubtless impatient to know by whom and why this splendid work has been created.

“ It is by the chisel of Mr. Richard Kissling, of Soleure, who has been living in Rome for the past twelve years, and has there made a name for himself. This gifted artist, whose earlier work had already brought him renown, doubtless considered that the Red Cross was a sufficiently fine, good and great a thing for him to dedicate a glorious memorial to it. He has produced a very successful creation under its inspiration, aided by his patriotism, for he must have been influenced by the fact that his native country was the cradle of that splendid institution. We sincerely hope that Mr. Kissling may be able to succeed in his plan and that a lasting reproduction of the fragile model he has made will preserve it for all time.

“ But the good will of the artist is not enough. A prosaic question of funds is holding him up, and will, it is feared, continue to do so for a long time to come unless some generous benefactor comes forward to solve the problem. The idea of an international subscription, as proposed by a newspaper who took up the matter before we did, might be a solution, but someone would have to take the initiative. In a letter which we have seen, Mr. Kissling expresses the wish that the memorial should be in Carrara

marble and on a large scale, and that it should be erected in Geneva, the only city where its presence would be fully justifiable. We are not against this suggestion, but it is obvious that neither the Genevese, nor the Swiss will take the initiative in vaunting a stage of progress which it was their privilege to promote."

The attention of the world was thus drawn to the question of the erection in Geneva of a memorial to the Red Cross; but it was the Third International Conference of Red Cross Societies, meeting in Geneva from September 1-6, 1884 on the occasion of the Twentieth anniversary of the Convention on the sick and wounded of armies in the field, which first mapped out a preliminary scheme.¹

On the proposal of Messrs. Hepke and Furley, Count Sérurier, Messrs. d'Oom, Hoor, Sheldon, Maggiorani, de Cazenove, Baraffio, Thomsen, Staaf, de Weech, Hass, Mappes, Tosi, Pretenderis-Typaldos, de Martens, Armstrong, Longmore, Schlesinger, Solomons and Ellissen Basso, and Miss Barton, the Third Conference, after discussing the matter, adopted the following Resolution:

"The Third International Conference, meeting on the occasion of the twentieth anniversary of the Geneva Convention, in this city, where the institution of the Red Cross came into being and was sanctioned by international law, strongly supports the plan to erect a memorial in Geneva and recommends that the Central Committees of all nations cooperate in the execution of that memorial from the model by Mr. Richard Kissling, Member of the Conference."

In its issue of July 1885, the *Bulletin* recapitulated the work entrusted to the International Committee of the Red Cross by the Conference of 1884, and gave the following information concerning it:

"Our readers will doubtless recall the recommendation made by the Conference of 1884 in regard to a memorial to commemorate the foundation of the Red Cross and the Geneva Convention (See 60th *Bulletin*, Vol. XV, p. 207). The necessary

¹ See "Troisième Conférence internationale des Sociétés de la Croix-Rouge" *Compte Rendu*, Geneva, 1885.

measures to carry out that wish having been left to the International Committee, the latter set to work, but has hitherto made no public appeal as a certain amount of preparatory work was necessary.

" The clay model submitted to the Conference by Mr. Kissling, although designated to the International Committee as a starting point, had, nevertheless been the subject of some reservations from the artistic point of view, and these had to be taken into consideration. The model had therefore to be examined by experts, and the artist had to be consulted with regard to the modifications to be carried out. There was also the question of the choice of a suitable site in the city of Geneva. Lastly, it was indispensable to have an approximate estimate of the funds required for the work.

" A commission of experts, including representatives of the municipal authorities has therefore been set up to study the question from these various angles, and it is only when that body has made a preliminary report to the International Committee, that the latter will be able to place the matter in the hands of the Central Committees. If mention is made of it today, it is merely to remind the public that the matter is being examined, and that the recommendation by the Conference has not been forgotten by those responsible for carrying it out..."

In 1887, the International Committee of the Red Cross at last submitted to the Fourth Conference, held in Karlsruhe on September 19, a detailed report drawn up by Lieutenant-Colonel Camille Favre, member of the International Committee, in which he stated the facts in all objectivity.¹ The report included the following passage :

"... The International Committee has several problems to solve

- (1) What was the best site in the city of Geneva for the proposed memorial.

¹ Cf. *Bulletin international des Sociétés de la Croix-Rouge*, July 1887, pp. 101-107.

- (2) What sum would be required to erect the memorial designated by Mr. Kissling, or a similar memorial, on a site chosen?
 - (3) To what extent was the model submitted by Mr. Kissling acceptable?
 - (4) How could the cost of the memorial be met?
- (1) *What is the best site in the city of Geneva for the proposed memorial?*

"The whole financial aspect of the undertaking depends upon the choice of the site. The Commission was greatly embarrassed from the outset. The proposed memorial could be planned either as a simple group of statuary, to be erected on a modest site without any monumental character, or, on the other hand, as part of an imposing project which would attract attention.

"The Commission, with the approval of the International Committee, cast its vote for the second proposal, for three reasons.

In the first place, the Commission felt that it should submit a complete study of the question to the Red Cross Societies. If the Conference so decided, it would always be possible to revert to a simpler scheme and to projects of more modest proportions.

"Secondly, the Commission felt that a memorial erected in commemoration of the foundation of the Red Cross by all the Societies bearing that name or with funds contributed by the Powers, ought to have the character of a monument.

"Lastly, having examined the various available sites, the only one which appeared to deserve consideration by the Conference would require the monumental treatment which seemed desirable.

"Needless to say, our study should be considered as provisional, and in a way *theoretical*, and we are fully prepared to modify it, if the Conference considers we have gone too far.

"With these considerations in mind, our choice has fallen

on the *Promenade du Pin*, a high terrace built on the old fortifications of Geneva. If the avenues surrounding it are disregarded, the terrace forms a rectangle 82 metres long by 66 metres wide. The memorial would be placed facing south, at the end of a cross inscribed within the rectangle, and surrounded by an architectural motif the height of which would depend on circumstances. This motif is necessary on account of the size of the site and also for the sake of economy, for it would enable the dimensions of the statue to be reduced. The latter, one quarter or one half larger than life size, would stand out against a background of greenery. In this setting, marble, although relatively expensive, should be used rather than bronze. The architectural motif would be low, if the statue was very high ; and high if the statue was lower.

To fit in with the project, the terrace would have to be cleared of its trees, at least to a great extent, and the ground levelled and arranged in steps descending towards the south. This latter operation, which would be fairly expensive, is absolutely necessary, since the southern aspect is at present surmounted by a sort of mound which would have to disappear.

This is the project which we have tried to show in the sketches we propose to send to the Central Committees.

It should be added that the Administrative Council of the City of Geneva is prepared, in principle, to assign this site to the proposed memorial, but reserves the right to examine the final plans. The project must be submitted for approval to the Municipal Council and the Council of State of the Republic and Canton of Geneva..."

Finally, Lieutenant-Colonel Camille Favre asked the Conference the following questions :

(1) Did the Karlsruhe Conference confirm the recommendation of the Conference of 1884, that a Red Cross memorial should be erected in Geneva ?

(2) How much money should be spent on the project ?

(3) Were the Central Committees prepared to take steps in their respective countries to collect the funds required ?

(4) Was the Conference prepared to open a competition for the execution of a group of statuary?

The Karlsruhe Conference (1887) did not confirm the decision taken at the Conference held in Geneva (1884).

The opinion expressed by M. de Knesebeck during the debate on the proposal to erect a Red Cross memorial met with general agreement and the Conference gave a negative answer to the first question raised in the International Committee's report.

M. de Knesebeck said, in particular, "that the real memorial to the Red Cross was the enduring gratitude in the hearts of war victims."

Thus, after 70 years, the problem of the erection of a Red Cross memorial has not yet been solved.

L.D.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL
DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

May, 1952

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INTERNATIONAL COMMITTEE OF THE RED CROSS

*INFORMATION NOTE OF APRIL 29, 1952 CONCERNING THE CONFLICT IN KOREA*¹

It is common knowledge that, having been approached on several occasions and having been asked by the United States Government to cause an enquiry to be made, the International Committee of the Red Cross informed the Parties to the conflict in Korea on March 12, 1952, that it would be prepared, subject to the agreement of all concerned, to cause such an enquiry to be made into the alleged use of bacterial weapons in Korea. A commission of enquiry composed of experts of international repute, including epidemiologists chosen from Asiatic countries not Parties to the conflict, would in that case have been set up by the Committee. The procedure suggested by the International Committee was approved by the United States Government.

No reply having been received from the Prime Minister and Commander-in-Chief of the Korean People's Army, and the Officer commanding the volunteers of the Chinese people, the International Committee again approached these two authorities on April 10, requesting them to give their official answer not later than April 20. No reply has so far been received.

Consequently, the conditions stipulated by the International Committee of the Red Cross for its undertaking to appoint a commission of experts to conduct an enquiry are still unfulfilled. The International Committee is suspending the technical preparations it had provisionally undertaken.

¹ See *Revue*, English Supplement, April 1952, p. 79.

PRINCIPAL ITEMS OF INTEREST

Korea. — (See page 106 above.)

Italy. — On April 18 the International Committee of the Red Cross forwarded to the Italian Red Cross in Rome 500 parcels of men's and 500 parcels of women's clothing, intended for the numerous repatriated Italians assisted by this Society. This consignment, weighing about 2 tons, was the gift of the ICRC as part of the relief action to which reference has already been made in November 1951 and last March. The utility of these parcels, each of which includes a working dress, is to help the beneficiaries to find employment.

Greece. — During the month of April about 1,800 kg of medicaments, antibiotics, surgical and medical equipment, representing an approximate value of Swiss Fr. 32,000 were sent to the ICRC delegation in Athens. These relief supplies will be distributed to the different categories of necessitous persons in Greece, particularly in camps and prisons.

Greek Children. — A joint mission of the ICRC and the League of Red Cross Societies visited Prague from April 7 to 25. Discussions took place with the Czechoslovak Red Cross on the subject of displaced Greek children in Czechoslovakia.

Disablement. — The Disablement Section continued its individual and collective relief work. In particular, it forwarded to the Finnish Red Cross four typewriters for war-blinded, acquired by means of the Australian legacy mentioned in these pages last November. In addition, eleven exiled Greek amputees were provided with prostheses. Other similar gifts will follow.

Middle-East. — During April M. P. Gaillard, ICRC delegate in Cairo, travelled to Jordan, Lebanon, Iraq and Iran. In the course of his journey he discussed, both with the authorities and the directors of National Societies in these various countries,

a number of problems relative to the work of the International Committee in the Middle East.

Indochina. — In the period between February 29 and March 4, M. A. Durand, ICRC delegate in Indochina, visited Vietminh military prisoners and internees held in the permanent camps at Thu Duc, Phu Lam, Mytho and the temporary camps at Bien Hoa, Duc Hoa and Tan An. During these visits a documentary film was made which will be included in the film now being prepared by the ICRC on its recent work.

At Hanoi the delegate of the International Committee distributed to war orphans a few cases of condensed milk offered by the members of various trade unions in Paris.

Dissemination of the Conventions. — In response to the wish expressed by several National Societies, the ICRC published in 1951 a Brief Summary of the Geneva Conventions of August 12, 1949, for "members of the armed forces and the general public". This booklet (published in the three official languages, French, English and Spanish) contains about ten pages and is intended to make apparent the essential ideas embodied in the Conventions. A few copies were sent to Central Committees of the National Societies last August.

It is interesting to note that since then eighteen National Societies have applied to the ICRC for extra copies, namely the Red Cross Societies of Australia, Canada, Cuba, Ethiopia, France (2,200 copies), Italy, Luxemburg, Netherlands, South Africa, Switzerland, the United Kingdom and the Jordan and Turkish Red Crescent.

Two Societies were particularly interested in the booklet as they are preparing a summary on similar lines. The South African Red Cross solicited the International Committee's permission to reprint the booklet for the use of the Union Defence Forces. The Greek Red Cross stated that a Greek translation had been made, and an Italian translation has been made by the ICRC.

The translation of the new Geneva Conventions into Arabic (by the Egyptian Government) has been adopted by Saudi Arabia, Iraq, Jordan and Syria.

HOSPITAL LOCALITIES AND SAFETY ZONES

HISTORICAL BACKGROUND

Henry Dunant and Safety Zones.

On August 20, 1870, while the French armies were fighting desperately in Alsace, Henry Dunant, who was then living in Paris, addressed the following Note to the Empress Eugenie :

Does Her Imperial Majesty not believe it would be extremely useful to propose to Prussia, that certain towns, to which the wounded could be sent, should be neutralized? These men would thereby find shelter from the present conflict, and the civilians caring for them would have the benefit of the safeguards accorded by the Diplomatic Conference ¹.

Here, clearly and expressly stated, was the first proposal to set up hospital zones. It was favourably received by the Imperial Chamberlain, by Count Flavigny, President, and Count Serurier, Vice-President, of the French Society for Relief to the Military Wounded ². It was communicated, by order of the Empress, to the Council of Ministers. Shortly afterwards, appalled by the progress of the war, Dunant wrote a second Note, which he addressed first to the Empress and later, on September 10, 1870, to Jules Favre, Foreign Minister of the Government of National Defence constituted on September 4. He repeated the exact terms of his proposal, but made it subject to better knowledge and strict observance of the 1864 Geneva Convention. It would in fact have been useless, and possibly dangerous to collect the wounded in exposed towns if there was not a prior assurance of the full protection accorded under the Convention to the wounded and those who care for them.

¹ The Conference which adopted the Geneva Conventions of 1864.

² Forerunner of the French Red Cross.

Dunant's proposal came to nothing ; in the words of one of his correspondents, M^{me} Jules Simon, wife of one of the Ministers, the responsible members of the Government were " swept away by the current of events ".

Again during the Commune, in 1871, Dunant foresaw the terrible consequences for Paris which might follow the extension of the insurrection and its suppression. He tried, in vain, to set up neutral zones in the city where non-combatants could find refuge.

Dunant thus made two proposals for the protection in combat zones of the wounded and sick, and of civilians. His scheme for the creation of neutral zones, suitably marked, and given recognition by the enemy, was substantially that adopted, seventy-nine years later, by the Geneva Diplomatic Conference of 1949. They occur in Article 23 of the First (Wounded and Sick) Convention, and Articles 14 and 15 of the Fourth (Civilian) Convention.

The 1869 Conference.

Hospital zones were again discussed at the Second International Red Cross Conference (Berlin, 1869) under the title " Spas and Hydros as Neutral Enclosures ". The following proposal was made :

" That the International Conference agree to discuss the protection which should be granted to spas and hydros, and to patients of all nations staying in them during a war.

That the Conference examine the question of claiming neutrality for such establishments because, during a war, they could serve as places of convalescence for the wounded ¹ ".

M. Jaeckel, Prussian Delegate, who put forward their proposal, limited its scope. He recommended that the Conference should, in general terms, promote the creation of " peace refuges ", and, as far as possible, shelter from the upheavals of war " places of refuge for the sick of all nations ". He added : " In suggesting neutrality, I do not intend that it should cover

¹ Minutes of the 1869 Conference, p. 218.

the *towns* or even *localities*, where there are thermal baths. As I see it, such neutrality could cover only the therapeutic and convalescent centres of our leading stations; this would safeguard the valuable medical equipment they contain, and at the same time allow their immediate transformation, in case of war, into first-class hospitals for the military wounded and sick”¹.

The proposal was thus very far from the idea of a *place of refuge*, as understood in the terms “hospital and security zones”, and was intended only to give spas the protection that the Geneva Convention provides for military hospitals. It was akin rather to certain previous attempts, one of the most interesting of which was an agreement between Prussia and Austria in 1759, regarding the baths of Landeck and Warmbrunn (Silesia), and Teplitz and Karlsbad (Bohemia), which accorded protection, on condition of reciprocity, to officers and men who went to, or were staying in these places². According to Dr. Gurlt, Prussian Delegate to the 1869 Conference, it was extremely difficult to carry the agreement into effect, because there were no precise regulations concerning such towns, and enemy troops were almost in the immediate vicinity.

The Delegates did not under-estimate the difficulties, and the Conference limited itself to the following recommendation :

That Governments agree, in time of war, to allow the wounded and sick who may be in spas and hydros the same privileges as those who are wounded or fall sick in the field, and allow such establishments the same privileges as are enjoyed by field hospitals.

In others words : a proposal to extend to certain civilian patients the protection given the military, and to certain civilian hospitals the protection accorded field hospitals.

¹ Minutes of the 1869 Conference, p. 219.

² “As from today, Prussian officers and men who go to the baths of Landeck and Warmbrunn, or are staying there for their health, shall be secure from all attack, and may undertake or complete their cure without hindrance. This shall be so, however, only on condition that similar security be accorded to all officers and men of the Imperial and Royal Army who are in the two above stations or in those of Karlsbad and Teplitz in Bohemia, or who shall go there for convalescence.”

The question of hospital and security zones was not again raised until the first World War. The 1864 Geneva Convention, largely revised on July 6, 1906, had been ratified by most of the Great Powers inside a few years. The immunity accorded civilians in International Law found expression especially in the Regulations on the Laws and Customs of War (1899) and was confirmed in 1907 in the revised Hague Convention.

It accordingly appeared unnecessary to reinforce these general provisions by measures of protection with more limited objectives.

I.

BETWEEN THE TWO WORLD WARS

(1918-1939)

As a result of the destruction which followed the extension of the conflict to all sections of the population, and the employment of new weapons, there was a widespread public movement, after 1918, to give greater and more effective protection to non-combatants. This tendency was shared by the Red Cross. In 1922 a Legal Commission met at The Hague to consider the possibility of adapting the laws of war to the necessities of aerial warfare, and similar views were expressed, the same year, at a meeting of the International Conference of Military Medicine and Pharmacy.

Two distinct trends may be distinguished: (1) A proposal to ensure general civilian protection by treaties that would cover all categories of non-combatants and apply in all circumstances; (2) A scheme—more limited in object—for the protection of certain categories of persons in certain agreed places.

It is with the second of these that we are here concerned. Both, however, are intimately bound up, and there is accordingly a close connection between proposals for Safety Zones and the developments which led to the revision and extension of the Geneva Conventions. The question of Safety Zones could be dealt with in separate agreements, without modifying the Conventions, or they could be included in more general Conven-

tions, the question of application being regulated by a Model Agreement. In the latter case, methods would differ according as there was, or was not, a Convention relative to the various categories to be protected. These various possibilities explain the different conceptions embodied in the drafts, starting with the Monaco Draft in 1934 and ending with the Model Agreement annexed to the 1949 Conventions.

The " Lieux de Genève ".

A French Army doctor, General Georges Saint-Paul, was probably the first to make a definite proposal for drafting international agreements on the subject of Hospital and Safety Zones. Following his experience during the first World War, and deeply concerned about humanitarian questions, he proposed, in 1929, under the title " Lieux de Genève ", that refuge zones should be set aside for non-combatants. He developed this idea in a scheme addressed to the International Committee, making it applicable to districts and towns, and providing for supervision by neutral officials ¹.

In 1930, General Saint-Paul brought the matter up for discussion in Parliament. The French Chamber adopted a Resolution inviting the Government to place before the League of Nations a draft agreement for the protection of civilians on the same terms as the military wounded and sick, and proposing " to study methods whereby every nation, through agreements registered by the League, should designate places, localities or zones which, in case of armed conflict, would be left untouched by all military actions or incidents, such places, localities or zones in national territory to be known, until further notice, as " Lieux de Genève ", placed during the course of hostilities, under neutral officials acceptable to both parties, and in which persons legitimately entitled to be treated on the same footing as the wounded and sick could be assembled ² ".

¹ See *Revue internationale*, Geneva, Dec. 1930, p. 1066.

² See *La guerre moderne et la protection des civils*, Geneva 1943, p. 13. (Published by the General Secretariat of the " Lieux de Genève "). See also *Revue internationale*, Geneva, Oct. 1931, p. 843.

In 1931, General Saint-Paul founded in Paris the Association for the Lieux de Genève, with the intention of arousing public interest and promoting international agreements to establish Safety Zones. In his draft—closely following Red Cross ideas on the subject—he requested :

- (1) The recognition in all places and circumstances of the right to treatment on the same lines as is ordinarily given to the wounded and sick : to pregnant women, the infirm, the old, the impotent, and so on.
- (2) As a natural consequence, the recognition as medical units—in all places and circumstances—of units and establishments whose only object it is to receive the persons above-mentioned.
- (3) Through bilateral and international treaty, the recognition as “Lieux de Genève”, enjoying the immunities given medical units under the 1864 Geneva Convention, of places where, under the scrutiny of neutral officials accepted in peacetime by the adverse parties, the above-mentioned units may assemble, as may also, in general, persons on the same footing with the wounded and sick, at their request or at the request of those entitled on their behalf.

General Saint-Paul was untiring in his efforts to spread the idea of Safety Zones. After his death in 1937, the headquarters of the Association he had set up moved to Geneva. It took the title : “Lieux de Genève, White Zones ; International Association for the protection of civilian populations and of historical monuments, in time of war and armed conflict”. It has since carried on an active propaganda campaign for Safety Zones, through publications, communiqués, and addresses to Governments.

Preliminary Monaco Draft.

A preliminary Draft Convention was drawn up at Monaco by a Commission of medical and legal experts, which sat from February 5 to 11, 1934. Following a recommendation of the VIIth International Conference of Military Medicine and Phar-

macy (Madrid 1933) ¹, it has a special place in a long series of similar drafts.

According to its Report, the Commission had first intended "to consider conditions in future wars from the purely technical point of view", as indicated in the Madrid Recommendation. It has, however, gone on to examine "all data having a bearing on the question of respect for human life during wartime". It drew up a preliminary Convention under the following headings: Hospital Towns and Localities; medical assistance by non-belligerents; protection of prisoners of war; protection of civilians; penalties.

Some of these headings duplicated the 1929 Geneva Conventions, to which they largely referred. The first Chapter, however, dealing with Hospital Towns and Localities, was a new conception which has served as a model for subsequent drafts. It defined Hospital Towns as towns reserved for the needs of the Medical Services, to the exclusion of all military use. It provided for notification of these Towns, in peacetime by diplomatic channels, in wartime through the Protecting Powers, or an international agency to be determined. It recognises the right of the adverse State to challenge their creation, if it has sufficient reasons for doing so. Supervision was by a Commission appointed by neutral States. In case of military occupation, the Zone would retain its privileged status. Finally, after setting out arrangements for ending such status, the Monaco Draft provided for places called Hospital Localities in which fixed or mobile medical units, working in close co-operation with front line positions

¹ The VIIth International Conference of Military Medicine and Pharmacy, considering the ever-increasing risk of bombardment to which field medical units and fixed hospitals are exposed, makes the following recommendation:

- (1) that Hospital Localities be reserved for the exclusive needs of the Medical Services and placed under the emblem of the Red Cross;
- (2) that suitable arrangements be made, at the earliest possible date, to decide how this provision can be applied within the framework of the Geneva Convention of July 27, 1929, for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field.

could be grouped; these Localities would be given the same safeguards as Hospital Zones ¹.

In addition to very definite provisions for zones reserved for the sick, the Monaco Draft in Part IV defined *Safety Towns*, which would be given the same privileges as Hospital Towns, "provided they fulfilled the same formalities of notification and supervision".

Some months later, the International Documentation Office of Military Medicine, meeting at Liège from June 27 to 30, 1934, suggested that the Belgian Governments should call a Diplomatic Conference to examine ways of putting the Monaco proposals into effect. The Government accepted the idea of a Conference, but had later to drop it.

Soon afterwards, the XVth International Red Cross Conference (Tokyo, 1934), in its Resolution XXXVII, supported the

¹ The terminology has often varied; today the following terms are in general use:

- (a) *Hospital Zones and Localities* are more or less permanent, organized outside the combat zone and intended to shelter from the effects of war the wounded and sick, military and civilian. The expression "Hospital Towns" was dropped by the Expert Commission which met in Geneva in 1938.
- (b) *Safety Zones and Localities*; usually permanent, organized outside the combat zone and intended for certain categories of civilian needing special protection: children, old persons, pregnant women, etc.
- (c) *Neutralized Zones*; usually provisional, set up in a combat zone or locality, to shelter the wounded and sick, both combatant and non-combatant, as well as the general civilian population, taking no part in hostilities in the area.

This is the terminology used in the 1949 Conventions. *Locality* means a definite place, usually containing certain buildings. *Zone* is a relatively large stretch of open country, taking in one or more localities.

Unless the context indicates otherwise, "Zone" will be used in this article for both zones and localities.

Place of refuge is common parlance for any portion of territory so organized as to afford refuge to certain categories of persons. It covers Hospital Zones and Localities, Safety Zones and Localities, and Neutralized Zones. The terms *Lieux de Genève* and *White Zones* (zones blanches) are those adopted by the "Association internationale des Lieux de Genève".

If we had to go into detail about terms, it may be stated that, in practice, and even in theory, solutions can also be mixed. The system proposed in the 1949 Conventions is very flexible in this respect. A Hospital Locality may shelter both military wounded and civilian patients; a Safety Zone could shelter wounded and sick, in addition to given categories of civilians.

Belgian Government initiative. It recommended that the International Committee and the National Societies should try to persuade Governments to act forthwith and create Safety Zones or Towns, for the adequate protection of the military wounded and sick, and civilians.

The Standing Committee of the International Congress of Military Medicine and Pharmacy, meeting at Brussels, on June 28, 1935, drew the attention of the ICRC to those parts of the Monaco Draft which directly concerned the Red Cross. The Secretary-General added that the decision was "not only a transmission pure and simple of the texts and discussions of the Monaco meeting, but also an offer of collaboration in revising and bringing to a final form the texts which might then serve as a basis for a Diplomatic Conference".

The 1936 Expert Commission.

The ICRC, which had also been studying the question, at this point called an Expert Commission. Twenty-seven Delegates met, on October 15 and 16, 1936, representing ten National Societies, the Standing Committee of the International Congress for Military Medicine and Pharmacy, and the International Union for Child Welfare. The Commission strongly favoured the idea of Hospital Towns, but it was evident that there were many difficulties from the military point of view. The commission therefore considered that the question should be also submitted to military experts.

In response to Resolution XXXVII of the Tokyo Conference, the ICRC asked if the experts considered the proposed protection for the military wounded and sick (Hospital Towns) should extend to :

- (a) sick civilians, the infirm, pregnant women, young children (*Lieux de Genève*) ;
- (b) other civilians (Safety Towns) ¹.

¹ Point (b) was examined by the Monaco Experts in 1934, and covered by Article 6 of the fourth Monaco Draft.

While believing such extension most desirable, the 1936 Expert Commission thought it preferable to deal first with the question of Hospital Towns reserved for the military wounded and sick. If they were successful, the much wider problem of Safety Zones for all or part of the civilian population could then be tackled with a better chance of success. The ICRC accordingly limited its terms of reference to the wounded and sick of armed forces in the field.

The Committee then drew up "Draft Articles to serve as a basis for a Convention on Hospital Towns, in accordance with the principles laid down by the Commission of October 15, 1936", and informed the National Societies¹. The Societies were asked to submit the draft to their Governments so as to obtain the opinion of the General Staffs; they were also asked to find out if their Governments would agree to send representatives to the Military Expert Commission which the ICRC thought of calling.

Certain useful information was obtained, but in spite of repeated efforts, it did not prove possible to call the meeting.

The ICRC presented a provisional report of progress to date, together with the experts' remarks on the Draft Articles, to the 1938 International Red Cross Conference in London. The report also gave the preliminary Monaco Draft, and two drafts put forward, one by the Rumanian, the other by the Yugoslav Red Cross.

The London Conference renewed the Committee's mandate, and expressed the hope a Commission of military and international law experts would soon be called and agree upon a final draft. This could then be submitted without further delay to a Diplomatic Conference. The Conference hoped that, pending the establishment of such draft, Governments would examine the question of concluding *ad hoc* agreements between themselves for the creation of Hospital Towns and Localities.

¹ Circular No. 336. See *Revue internationale*, April, 1937, p. 401.

The 1938 Expert Commission.

The ICRC accordingly invited¹ the National Societies to designate, in agreement with their Governments, military and international law experts who would draw up a draft Convention. The Commission, which met on October 21 and 22, 1938, included Delegates from eighteen States and National Societies. Documents handed to it included the Committee's Report to the London Conference and a draft Convention (used by the Commission as a working document) from M. Camille Gorgé, of the Federal Political Department.

From these documents, the Commission drew up what was known as the "1938 Draft", and requested the ICRC to make a report in the form of a commentary on it. This report, "Draft Convention for the Creation of Hospital Zones and Localities in Wartime", was communicated to Governments by the Swiss Federal Council in January 1939, as a preliminary document for the Diplomatic Conference, due to meet at the beginning of 1940.

The 1938 Draft was in the form of a Convention, separate from the Geneva Conventions. The French Delegation had proposed that the draft be inserted in the 1929 Geneva Convention, by adding to Article 6 a paragraph stating that the Zones and Localities defined in the Regulations annexed to the Convention would also be protected in the sense of the Article. This was the method eventually adopted by the 1949 Diplomatic Conference. At the time, however, certain Delegations pointed out the practical objections, and the Commission decided to establish a separate draft; it considered the problem was one for the Diplomatic Conference, and should be left to it.

The 1938 Draft was introduced by a Preamble which emphasized a point that the ICRC considered to be one of vital importance. On the proposal of M. Gorgé, the Commission unanimously decided to include in the Preamble the idea contained in Resolution XI of the 1938 Conference, namely, that the creation of Hospital Zones and Localities should in no way

¹ Circular No. 350. See the *Revue internationale*, August, 1938, p. 763.

diminish the protection resulting from international law. The Commission took a concrete example: belligerents cannot plead the existence of Hospital Zones in enemy territory as an excuse for neglecting the obligation of according to the wounded or to civilians outside such areas the protection to which they are entitled under the Conventions, or under international law in general.

The eleven Articles of the 1938 Draft reproduce as a whole the Articles of the 1936 Draft and extend them. The expression "Hospital Zones and Localities" replaces the previous "Hospital Towns". The definition of Zones remains substantially the same. As in the Monaco Draft, military convoys are allowed to pass through by the ordinary transport and communication routes. For the first time, it is laid down that the Zone shall be indicated by the emblem of the Geneva Convention. Notification, both in peace and wartime, is through the ICRC. The grounds of objection have to be stated, and time limits for objections are fixed (not in the 1936 Draft). Cancellation, duly notified with reasons, takes effect within five days. Conciliation procedure is by reference to the Geneva Convention. Article 8, dealing with the case of enemy occupation, reproduced the essentials of Article 8 of the 1936 Draft and provided that the Zone could be continued as such by the Occupying Power unless there was a decision to the contrary by one or other of the parties. Supervision was by a Commission designated by the ICRC. Should the Commission's rules not be obeyed, it could resign its mission in relation to the Zone or Locality about which its remarks had been made. Article 11, dealing with alleged violations, referred back to Art. 30 of the 1929 Convention.

The Commission did not deal with the question of Safety Zones for civilians. The ICRC, however, drew the experts' attention to this problem. The Commission noted with satisfaction the ground gained by this idea in the public mind, in the legislation of certain States and the practical examples afforded in Spain and China.

Madrid Zone.

In November 1936, the ICRC was informed by its Madrid Delegate that General Franco had announced by radio his intention of reserving a quarter of Madrid where the civil population could find refuge. The same day, negotiations were begun with both Governments to facilitate the scheme, so well in accordance with the Committee's wishes. Telegrams were sent, on November 19, to both Nationalist and Republican Governments.

The Committee requested the Republican Government to concentrate the civilian population in the North-East of Madrid and ensure that this quarter would be reserved exclusively for non-combatants, and not used for military purposes. The Committee offered the services of its Madrid Delegate, Dr. Henny, and other Delegates, for supervision.

The Government of Salamanca replied on November 24 as follows :

Further to our telegram of November 19, I inform you that the neutral zone reserved for the non-combatant population includes, under arrangements of November 17, the zone bounded West by Calle de Zurbano and the new Ministries, North by Paseo de Ronda, East by the part of Calle de Velasquez between Goya and Ronda, and South by Goya and Genova Streets.

The Valence Government declared the proposal of a neutral zone unacceptable ; the whole civil population of Madrid should be considered as non-combatant (telegram of November 20).

The ICRC cabled the Valence Government again on November 24, giving the precise boundaries of the neutral zone indicated by Salamanca and adding :

While appreciating your desire to protect whole civilian population consider our proposal limited zone already constitutes important humanitarian measure. Earnestly request therefore to please give your Commander instructions to prevent military use of sector specified in interest of refugee population. Have informed Salamanca your first opposition and our démarche renewed by present telegram.

The Valence Government did not change its point of view and maintained its decision.

The Salamanca Government, by telegram of November 28, confirmed its decision of reserving a neutral zone in Madrid, and during the following months the quarter was, on the whole, respected.

In November 1937, the ICRC, quoting as precedent the measures adopted a year before in regard to Madrid, requested the Salamanca Government to consider a similar measure in respect to Barcelona and Valence, with, possibly, a specification of quarters considered as neutral.

A negative reply was received on January 3, 1938 ; reference was made to the unsatisfactory results of what had been done in Madrid, and it was stated that the Government forces had not respected certain of the quarters designated and had installed munition depots in them.

There thus was considerable difference between the neutral zone of Madrid and present conception of a Safety Zone. Being in the actual front lines, it resembled rather a neutralized zone in the sense of the 1949 Convention. One essential difference was that its constitution and boundaries were decided by the adverse party, and not by the interested party, as is now intended. Moreover, although the ICRC, in accordance with its traditions, had acted as neutral intermediary between the parties, there was never, to its knowledge, specific agreement on this point ; the neutral zone in Madrid in 1936 was the consequence of a military decision taken unilaterally by a Government in order to spare part of a besieged town. Two of the essential conditions for the constitution of Safety Zones properly so-called were missing : agreement and supervision.

Nevertheless, the fact that there actually was a neutral zone in Madrid was an important step towards the protection of civilians in wartime and an encouraging example for those working for on Hospital and Safety Zones agreements. A year later, the Shanghai Zone came in confirmation.

Jaquinot Zone, Shanghai.

The Shanghai Safety Zone, called the " Jaquinot Zone " in honour of Father Jaquinot de Besange who organized it, gave

refuge to 250,000 Chinese threatened by the approach of fighting during the Sino-Japanese conflict in 1937. In August 1937, as Japanese forces approached Shanghai, hundreds of thousands of Chinese took to the roads, abandoning their homes, and piling on carts everything they could take with them. The foreign Concessions were overcrowded, and closed their gates. Most refugees crossed Soochow Creek to the Chinese town of Nantao, part of Greater Shanghai.

Following a break-through in the North, in October 1937, the Japanese armies attacked Shanghai. The Northern part of the town was soon in ruins. Father Jaquinot de Besange then decided to set up, in the Chinese town, a Safety Zone comprising about a third of Nantao, to give refuge to the civilian population. He formed a Committee of foreign residents in Shanghai, and got in touch immediately with the Chinese and Japanese authorities. He was almost unbelievably successful, obtaining the formal agreement of both sides. On November 6, the local Committee published the following declaration :

The Control Committee of the Nantao Zone, reserved for non-combatants, being satisfied that all orders given have been rigorously observed, declares the said Zone open in accordance with the conditions of the Agreement, as from Tuesday, November 9, 1937, at 17 hours.

The terms of the Agreement followed, precisely defining the boundaries of the Zone, maintaining it under Chinese civil administration and stating the conditions under which it would cease to be a reserved zone.

There were fires and fighting right up to the outskirts of the Zone, but it was itself entirely respected. On November 15, the Jaquinot Zone passed under Japanese military control but the administration and police remained in Chinese hands and the Zone continued as a place of refuge for the population which had taken shelter there.

According to the report of the Control Committee, 250,000 Chinese, mostly without any resources, found shelter in the Zone. Organization and supply problems were accordingly very serious. When water and light failed, Father Jaquinot succeeded in having both supplied from the French Concession. Relief and

foodstuffs (bread, rice and tea) were supplied by Chinese relief associations and by religious bodies. Medical care was given by the Control Committee and the Franciscan Sisters of the Sacred Heart Convent. A well-equipped hospital treated some 300 cases daily.

Nine months after the Zone opened, the Control Committee could write :

We proposed a formula to diminish the risks and the suffering of the civilian population. We then neglected no effort to secure the acceptance of this formula by the two belligerent nations. This formula has now proved itself in practice.

The Shanghai Safety Zone was set up and organized by Father Jaquinot de Besange in complete independence of the International Committee. The principles he applied, however, are also those of the Red Cross. It may also be mentioned that Father Jaquinot placed the Nantao Control Committee under Red Cross auspices and, on his own initiative, marked the limits of the Zone with Red Cross flags.

As we have seen, the great success of the Zone was referred to at the International Red Cross Conference in 1938, and was one of the causes for the adoption by this Conference of its Resolution on Safety Zones.

II.

THE SECOND WORLD WAR

I. *General.*

At the outbreak of War, the ICRC sent a circular to the belligerent Powers, and later to each State which came into the War, informing them that it was fully prepared to play its customary humanitarian role to the full extent of its powers. It was ready, in particular, to examine the possibility of organizing Safety Zones under the Red Cross emblem and the necessary measures of supervision, should the agreement of the belligerent Governments be forthcoming.

On September 9, 1939, the ICRC sent belligerents a memorandum on Hospital and Safety Localities and Zones. It was suggested the belligerents should either conclude *ad hoc* agreements to implement the 1938 Draft, or, at least, subject to reciprocity and as later to be agreed upon, give the enemy Medical Services guarantees similar to those set out in the Draft. The memorandum also raised the question whether, and under what conditions, Safety Localities and Zones might be set up for the duration of the War.

In a new memorandum (October 21, 1939) about agreements for relief and the working of the Medical Services, the ICRC also referred to Hospital Zones and Localities and to Safety Localities and Zones. Further to its memorandum of September 9, 1939, it called attention to the fact that the German Government was prepared, subject to reciprocity, to accept the 1938 Draft. The Committee asked the belligerent States if, and upon what conditions, they would be prepared to recognize Safety Localities and Zones another belligerent might establish on its own territory, even if they themselves did not have such zones; what guarantees would they be prepared to grant the adverse party, if they did in fact establish Zones? Finally, the ICRC proposed that the belligerents should delegate Plenipotentiaries who could meet, officially or unofficially, in neutral territory, (Geneva, for example), to negotiate provisional agreements.

There was no sign of approval from the Governments concerned, and the Committee temporarily abandoned its efforts.

Four years later, the ICRC decided to make a final attempt. Air warfare had then reached a scale and violence hitherto unknown, and the anxiety expressed by the Committee at the outbreak of war was more than justified. Every day defenceless children, women and old people were being buried under the ruins of their homes.

The Committee accordingly sent a memorandum to all Governments on March 15, 1944, with an urgent and solemn appeal. In respect of the five Powers mainly concerned, this took the form of a personal letter from the President of the ICRC to the Head of the Government, asking that one more effort be made while there was yet time.

Underlying this fresh attempt was a principle of international law which the Committee had championed in its appeal of March 12, 1940, namely: the bombing of military objectives is alone permissible, and this should be considered as a basic condition of air warfare. The principle was less and less heeded. There were systematic attacks and destruction of built-up areas. Bombing from the air, formerly limited to certain legitimate targets, extended to all enemy territory. It was therefore logical, by a contrary train of thought, to fall back once more on the idea of Safety Zones, immune from attack. It was inadmissible that existing treaties and international law in general should be modified simply because belligerents had recourse to new methods of destruction; the present aim was to find means of safeguarding what might still be saved under these new and startling circumstances.

To the ICRC, the institution of Safety Zones is justified on a fundamental principle of the Geneva Conventions, recognized since the very beginnings of the Red Cross: even in the fighting areas, those who are harmless to the enemy are entitled to immunity. In the memorandum of March 15, 1944, the ICRC therefore advocated the institution of protected zones where the following might find refuge:

- (a) Wounded and sick members of the armed forces (Cf. Hospital Zones and Localities, as contemplated in the 1938 Draft).
- (b) The civilian wounded and sick.
- (c) Certain categories of the civil population who take no part—even indirectly—in the fighting, and make not the least contribution to the war potential of the State (children, old people, pregnant women, and women with young children).

The categories mentioned under (b) and (c) should be placed on an absolutely equal footing in belligerent States and occupied territories. It was further suggested that consideration be given to the question of placing certain classes of prisoners of war in Safety Zones.

The ICRC expressed the opinion that the 1938 Draft might serve as a useful basis for the institution of Hospital and Safety Zones, even though these Zones would offer refuge to larger classes of persons than the Draft had been intended to cover. Each belligerent was asked to state its views on the principle of instituting such Zones. If it accepted, it was asked to indicate to the adverse party, by any means it considered opportune :

- (a) the Zones it had in mind ;
- (b) under what conditions (with special reference to inspection) it would agree to recognize zones instituted by the enemy.

The ICRC pointed out the urgent need of a practical agreement between the States concerned, and expressed the opinion that they, in the first place, should indicate the proposed location of the Zones in their territory, or in territory occupied by them.

Particular stress was laid on certain points. For example : in 1938, the experts had left open the question of marking Zones by night. If a belligerent decided to provide such marking by suitable lighting, it ought not diminish the effectiveness by similarly lighting areas. There was an obvious advantage in having the Zones, if possible, near the territory of neutral States, where there was no black-out ; this would also rule out the objection that they might serve as landmarks for enemy aircraft.

It was hoped the memorandum of March 15, 1944, would be heeded and given a practical effect. The ICRC stated it was at the service of the Governments, should it be required in negotiations or if, for instance, the Powers wished to meet on neutral territory.

There were, unfortunately, no practical results. Replies, mostly received after long delay—were favourable, but no State put the Committee's practical and explicit proposals into effect. Among the Great Powers mainly responsible at that time for the conduct of the war, only Germany showed signs of a positive reaction ; the United States and Japan gave a negative reply, Great Britain and Soviet Russia none at all.

In a letter of August 25, 1944, the German Government recalled that its delegates to the Sixteenth International Red Cross Conference in 1938 had explicitly advocated the institution of Hospital Localities and Safety Zones, and that in October of the same year, German Government and German Red Cross experts helped to establish the 1938 Draft. During the first months of the War (in September and November 1939), the German Government had informed the ICRC that it considered the 1938 Draft a suitable basis for a Convention; it had stated its readiness to consider any proposal on Safety Zones, and, despite present difficulties, was still prepared to take part in an exchange of views on the subject.

The United States Government, on February 12, 1945, replied that it would be difficult to set up Safety Zones in Germany which would not contribute, in some way, to that country's war effort, or shelter a line of communication constituting a potential military objective. The American Government also called attention to the fact that the use by Germany of flying and rocket bombs, which cannot be accurately aimed, deprived the Allied Powers themselves of any advantages the system might have.

The Japanese Government, in a cable of November 22, 1944, stated that, while approving in principle, it doubted the possibility of creating Hospital Localities and Safety Zones. It referred the ICRC to the principle set forth in the memorandum of March 12, 1940, recognizing only military objectives as legitimate targets for bombing and made some fresh proposals along these lines.

A refusal was received from South Africa, the only Government of the British Commonwealth to reply.

II. *Individual Proposals.*

At different times, the Committee received proposals, more or less private in origin, all having the same object—the establishment of Zones in given circumstances.

As a rule, the ICRC was unable to do anything about these proposals or forward them to the Powers. They came not from Governments but from Red Cross Societies, local authorities,

or individuals ; moreover, negotiations on the principle itself were in hand—and not yielding very encouraging results. The Committee, however, at a relatively favourable moment, sounded the Powers on one of the first of these proposals. Having met a refusal, it was thought inadvisable to exhaust the patience of Governments with plans which had no official character and were unrelated one to another.

In each case, the Committee carefully explained the above facts to the authors, and recommended them to concentrate on trying to get the formal approval of their *de facto* military authorities. Whenever feasible, the Committee informed the adverse party of the facts which had come into its hands.

The following is a summary of the main proposals :

(1) During the first months of the War, the French Army had made Phalsbourg into a kind of hospital town. It had no military workshops or depots, and was situated at a distance from any railroad. Only the Medical Services had access to it to the exclusion of all fighting units. The Red Cross emblem was flown in the main square and displayed on all ambulances.

The French Government replied to a query from the ICRC that no particular international importance was attached to the steps taken.

(2) The Italian Red Cross informed the ICRC in 1944 of arrangements made by the local Red Cross and the medical institutions to transform Sienna with the consent of the German and Italian military Commandants, into a hospital centre for the military and civilian wounded and sick. The town sheltered a great number of refugees. Attention was called to the fact that it contained no military objectives, and all military installations would shortly be moved outside. The Vatican had also been taking steps to safeguard buildings.

As news of the Italian Red Cross plans reached the Committee shortly after despatch of the memorandum of March 15, 1944, it was decided to inform the American, British, German, and Italian (both Royal and Neo-Fascist) Governments. By letter of April 12, 1944, the Royal Italian Government replied that the competent Allied authorities found it impossible to make

Sienna an open town as it was a road and rail junction used by the enemy. It added, however, that measures would be taken to safeguard the hospitals and art treasures.

(3) In April 1944, the Italian Red Cross again got in touch with the ICRC. Villages five to six miles from Bologna had been designated as Safety Localities, to shelter families who had been bombed out. A neutral emblem—a square divided transversely into two triangles, yellow and black—had been placed on certain houses in the villages.

The ICRC learned in February 1945 from its Delegation in Northern Italy that the German military authorities had organized police patrols at the gates of Bologna, to prevent the exit of members of the forces who had no special reason for going to the villages.

The ICRC brought these facts to the notice of the Allies.

(4) In August 1944, the Committee received a similar request from the Italian Red Cross in North Italy, in regard to the town of Imola, situated near the front, and harbouring close on 5,000 persons, wounded and sick, evacuees, children and old people. All the Committee could do was, as before, to inform the Allied authorities.

(5) In February 1945, the Mayor of Constance proposed that this town should become a hospital and exchange centre for prisoners of war and internees repatriated for reasons of health. The Committee sounded the Inter-Allied Military authorities, and received a favourable reply. The German Government was also favourable. Military events, however, made the proposal superfluous, the town being occupied, without resistance, by French forces.

(6) The Norwegian Red Cross in Oslo informed the ICRC, in March 1945, of proposals to secure recognition of Tromsø as a Safety locality. This town is on an island, its houses built of wood. Overcrowded with refugees, with no possibility of evacuation, bombing would have been catastrophic. The ICRC again brought the facts to the notice of the Allies.

(7) On the advice of their local Consular representatives, certain neutral Governments suggested, also in March 1945, to the belligerents concerned, that a Safety Zone be instituted in Shanghai: built-up areas were overcrowded, and it was impossible to evacuate the population, or, because of the type of soil, even dig shelters.

The ICRC supported this proposal, offering its services and those of its Shanghai Delegation.

The Chinese Government, in view of the prevailing situation subsequently ruled out the idea.

(8) Other attempts were made in connection with Beauvais, Bregenz, Hauteville, Lindau, Prague and Vienna, but none of them came to anything.

III.

NEUTRALIZED ZONES OF JERUSALEM

It was during the conflict in Palestine in 1948 that, for the first time, refuge areas were organized under the control of the International Committee. The special conditions of the fighting—on civil war lines—made it extremely difficult to apply the same principles as in previous cases. On the other hand, the Committee had had time to prepare before fighting broke out.

Preliminaries.

From March 24, M. J. de Reynier, Head of the Delegation, who had already been working on the problem for several weeks, endeavoured to find ways of setting up Safety Zones in Palestine; it seemed likely that a conflict would begin as soon as the Mandatory Power left on May 15, 1948. Jerusalem, with some 150,000 inhabitants, seemed most seriously threatened. Selecting large buildings, with grounds which would allow two or three thousand refugees to be assembled in the open, M. de Reynier began negotiations to have the two following recognized as Safety Zones:

- (1) In the centre of Jerusalem, in the New City, but close to the Old Town: the King David Hotel, directed by Mr. Hamburger; the headquarters of the YMCA and the Terra Santa Convent.
- (2) Government House (headquarters of the Mandatory Government), situated on a hill a few miles from the city and, in its grounds, the Arab College and the Jewish Agricultural School.

On April 19, Mr. de Reynier had secured the verbal agreement of the civil and military authorities for Safety Zone No. 2, as a place of refuge for women, children and old people, and for the wounded in transit. The Mandatory Government had also agreed to hand over Government House to the ICRC for the duration of hostilities. Progress in connection with No. 1 Zone was also satisfactory: the Director of the King David Hotel and the religious authorities of the Terra Santa Convent had given their agreement. On April 24, the Director of the YMCA informed the Committee that the building would be placed at its disposal on May 10, with equipment; the YMCA staff would also be available.

Neutralization of Jerusalem.

On May 2 and 3, an entirely new suggestion was put forward and examined in discussions the Delegation had with the British, Arab and Jewish authorities of Jerusalem: the complete neutralization of Jerusalem, considered in its entirety, as a place of security placed under the protection of the Red Cross flag. The scheme may be summarized as follows:

Jerusalem, Safety Zone under the Red Cross flag¹.

- (1) The Delegation of the International Committee of the Red Cross would be prepared to consider a proposal from the Arab and Jewish Medical Societies, the Red Crescent and the Magen David Adom, that it should endeavour to set up a Safety Zone whose limits would be those of the city of Jerusalem.

(2) A letter containing the proposal mentioned in Paragraph 1 would be sent to the ICRC Jerusalem Delegation and signed by the highest authorities of the Medical Corps, the Red Crescent and the Magen David Adom, it being understood that such letter would be signed only after the highest civil and military authorities had given their formal agreement in writing to accept and respect the following conditions :

- (a) The Arab and Jewish Zones of Jerusalem shall both entirely remain the responsibility of their respective civil authorities.
- (b) The ICRC shall assume no municipal or administrative duties whatsoever.
- (c) It shall be the responsibility of the respective authorities to see that each Zone is totally demilitarized ; no combatant and no arms being under any guise allowed in the streets.
- (d) The maintenance of order shall be ensured by the British, Arab and Jewish police in the respective Zones.
- (e) All political authorities shall retain their full powers and independence of action.
- (f) The limits of the Arab and Jewish Zones shall, in practice, be those of the territories inhabited and controlled by the *civil* authorities at the moment Jerusalem passes under the ICRC flag as a Safety Zone.
- (g) Jerusalem being considered a Safety Zone under the ICRC flag, and the authorities having recognized in writing their full subscription to the Geneva Conventions, it shall automatically be recognized that ICRC shipments to and from Jerusalem shall be accorded free passage by all troops, without exception.
- (h) The ICRC flag shall be lowered and the end of the neutralization of Jerusalem clearly notified :
 - (1) if an obvious breach, by one or other party, of the agreements entered into be noted by the ICRC ;
 - (2) if there is reciprocal and formal agreement on both sides, notified in writing to the ICRC at least three days in advance, of their desire to have the Zone ended.

¹ " Safety Zone " was the term used but " Safety Locality " would have been more suitable.

On May 9, after difficult negotiations—some with organizations which were still clandestine—the Delegation was able to announce that the scheme to neutralize Jerusalem was on the point of succeeding. The representatives of the interested Arab countries, the Jewish military and civil organizations, the Mandatory Government (functioning until May 15), and the Truce Commission of the United Nations, were all favourable and confident that the plan would succeed. On May 11, the ICRC summed up the situation in the following communiqué :

The International Committee of the Red Cross, Geneva, is now in a position to report on its efforts to protect Jerusalem during the fighting between Jews and Arabs. Its Palestine Delegation had already secured agreement in principle to set up three Safety Zones in the city, which would shelter only non-combatant civilians, and especially children, the sick, etc.

With the Committee's approval, the Palestine Delegation has extended this first scheme of protection to the whole of Jerusalem. This necessarily means a series of formal undertakings on both sides, and practical measures for their application which will have to be unequivocally set out.

The two principal conditions are as follows :

All combatants must leave the city, which is to be entirely demilitarized. Convoys of trucks bringing in the city's food must be allowed to pass freely through the combat zones.

The duty of assuring to the greatest possible degree that these stipulations are respected shall be entrusted by the interested parties to the Delegation of the ICRC in Jerusalem.

The Mandatory Power, the United Nations Commission in Palestine and all Arab and Jewish political and military organizations have notified their agreement to the plan which, unless unforeseen circumstance should intervene, will come into force on May 12 or 13.

At this point, victory seemed in sight. Unfortunately, confusion in the city and a premature outbreak of hostilities on May 14, prevented the scheme from coming into operation.

The Three Safety Zones.

While aiming at having the whole city neutralized, the Delegation did not neglect the original idea of creating Safety

Zones, more modest in extent but easier to control. Accordingly, when the first scheme broke down, it was possible to fall back on the plan made out during the month of April which, at the time, had been accepted by the different parties. On May 13, the Delegation addressed the following Note to the civil and military authorities in Palestine :

The Delegation of the ICRC in Palestine has the honour to inform you that the buildings listed below are from now on under the protection of the Red Cross as Safety Zones.

I. *Limits of Zones :*

Zone I : (a) Buildings and grounds of the Terra Santa School and Shamaria Children's Home.

(b) Buildings and grounds of the YMCA hostel.

(c) Buildings and grounds of the King David Hotel.

Zone II : (a) Buildings and grounds of Government House.

(b) Buildings and grounds of the Arab College.

(c) Buildings and grounds of the Jewish Agricultural School.

(d) The married quarters at Allenby Barracks.

Zone III : Buildings and grounds of the Italian Hospital, Abyssinia Street, and the Italian School.

II. *Marking of Zones.*

The buildings and grounds above-mentioned shall be indicated and their limits clearly shown by means of the Red Cross emblem.

III. *Conditions for the Admission of Refugees.*

(a) Only women and children (without distinction of race, religion or nationality) shall be admitted to the Safety Zones.

(b) Refugees shall be allowed to remain in the Safety Zones only while fighting is actually taking place. Thus, temporary asylum only shall be given ; as soon as calm is restored, each must return home. The necessary measures shall be taken by the competent Arab and Jewish authorities.

IV. *Administration inside the Zones.*

Inside each of the Arab and Jewish Zones, the authorities shall be responsible for administration and material organization.

As the stay of refugees in the Safety Zones shall normally be very brief and limited to a few hours, they shall not be entitled either to food or lodging. In general, the ICRC accepts no responsibility in this connection and leaves the matter to the competent Arab and Jewish authorities.

There shall nevertheless be an infirmary in each Zone, to give first aid to wounded or sick refugees.

V. *General Supervision.*

The ICRC shall assume the general supervision of the Safety Zones and keep under its orders and be responsible for the present staff of establishments included in the said Zones.

This memorandum is addressed to the civil and military authorities on both sides ; the ICRC asks that they please acknowledge without delay and notify their formal agreement to what is set out above.

The Committee wishes to emphasize how urgently necessary it is that the competent military authorities should at once give strict instructions to combatants to ensure absolute respect of the Security Zones and of all buildings protected by the Red Cross flag ; clear orders should be given forbidding military personnel, whether armed or not, to penetrate into these Zones or buildings, and care taken to see that the orders are carried out.

It will be seen that a third Zone—the Italian Hospital—was added to the original two. The local Arab authorities agreed on May 9, the Jewish on May 17. On May 20, the ICRC addressed the telegram which follows to the interested countries—Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan and Israel :

The International Committee of the Red Cross in Geneva, in its anxiety to ensure the greatest possible safeguards in the Palestine conflict for the principles of humanitarian conduct which it is bound to defend, today addresses an appeal to the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Transjordan and to the Government of Israel.

In April, the International Committee, with the approval of the Arab and Jewish civil and military authorities and of the Palestine Government, was on the point of establishing Safety Zones in Jerusalem for the reception of the non-combatant population and its protection against the consequences of military operations. At the beginning of May, a scheme was also under consideration to neutralize

the whole of Jerusalem, subject to the general consent of the Authorities. The negotiations were not concluded in time, and fighting is now going on in Jerusalem. The International Committee of the Red Cross therefore appeals to the Governments and earnestly begs them to take all necessary steps to ensure respect at least for the Safety Zones which the International Committee's Delegation is endeavouring, by all possible means, to establish in the town itself on the lines laid down in its initial plan. The Committee's appeal applies similarly to the Safety Zones the Delegation may attempt to set up in other towns in Palestine. The purpose of these Zones is to shelter non-combatants, under the supervision of the International Committee of the Red Cross, particularly Arabs and Jews, and thus to preserve the greatest number possible of human lives...

End of Zone No. III.

Fighting broke out in Jerusalem on May 14. On May 27, Zone No. III—the Italian Hospital—was abandoned, the necessary conditions for its protection being no longer present. The neutrality of the other two Zones was respected and they were still functioning when, on June 9, the first truce—for one month—was arranged by the United Nations.

Division of Zone No. I.

The ICRC took advantage of the truce to reinforce the organization of the Zones. On June 12, however, the United Nations Mediator asked the use of the King David Hotel—almost half of Zone No. I—for his staff. The Delegation considered it impossible to break up so important a Zone without the consent of both parties, and believed it its duty to maintain the conditions obtained at the price of so much effort and in the face of grave danger at the beginning of May. On June 14, both parties in Jerusalem—Colonel Abdallah Tell for the Arab Legion and Dr. Kohn for the Israeli Government—gave their agreement. Accordingly, at midday on June 15, the Red Cross flag was struck, and the King David Hotel evacuated and handed over to the United Nations.

The efforts of the United Nations Commission to prolong the truce were unsuccessful, and fighting began again in Jeru-

salem on July 8. This same day, the United Nations staff left the King David Hotel, which was immediately occupied by Jewish Hagannah forces.

End of Zone No. I.

The Arabs now considered the King David Hotel a military objective and opened fire with artillery. The YMCA building, situated about a hundred yards from it in the line of fire of the Arab artillery, received several direct hits, and it became impossible to use the grounds. On July 12, the ICRC simultaneously cabled Mr. Sharett, Israeli Minister of External Affairs, and Azzam Pasha, Secretary-General of the Arab League, asking that the Hotel be evacuated and an end put to the shooting, which was endangering the existence of the Zone ; July 14 was fixed as a time-limit. Discussions with the local authorities were continuous, and the Zone was maintained for another few days. During the night of July 16 and the night following, an intense bombardment began again, endangering the lives of those who had hoped to find refuge in the YMCA building. Accordingly, on July 18, the Head of the Delegation informed all the authorities concerned that, as Zone No. I no longer served its purpose, the ICRC was obliged to notify the official end of its existence. The notification of July 18 added :

The evacuation of refugees and staff will be made during the next few days to Safety Zone No. II, and the ICRC flag will be struck on July 22, 1948, at midday, Jewish time. The YMCA will be handed over by its owners to the United States Consulate General, and the Terra Santa College restored to its owners, the Franciscan Order. From this moment, the ICRC will assume no further responsibility, either in regard to refugees or to buildings in Safety Zone No. I.

Safety Zone No. II, Government House, the Arab School and the Jewish School, will remain as at present and be at the disposal of refugees.

The ICRC will at all times be prepared to consider favourably a request from the authorities to reconstitute Safety Zone No. I or to set up other Zones in the country for the protection of the non-combatant civilian population.

New Schemes.

As Zone No. I had been brought to an end, the ICRC considered setting up Zones further from the front ; one proposal was that, as from July 16 :

- (1) One Safety Zone should be set up in Arab, and one in Jewish territory ; they would be isolated from every military objective or group of buildings liable to become military objectives ; they would be organized by the responsible authorities and based on the Draft Convention drawn up by the 1948 Expert Conference.
- (2) A Safety Zone at Mount Olivet, in the Arab Zone of Jerusalem.

It did not prove necessary to put this plan—conceived in the fear that the conflict might worsen—into operation. On July 17, the second United Nations truce came into effect. Fighting did not automatically cease and there were frequent violations of the truce, but it did not appear necessary any longer to have places of refuge for the population.

Violation of Zone No. II.

Zone No. II continued. It separated the front lines, forming a sort of neutral territory between the Arab and Jewish Zones. In spite of its strategic value, it had been respected by all sides. Suddenly, in the evening of August 16, the surrounding forces entered, and the outskirts of the Zone were subjected to an artillery barrage. During the night, Jewish and Arab units fought right up to the walls of the principal building, which contained five Delegates, five nurses and about thirty Arab refugees. The building was respected, however, although gravely threatened on several occasions.

On August 17, the position was as follows : Arab forces, comprising units of the Arab Legion and irregulars, had retaken a large part of the Zone, including Government House, which was still flying the Red Cross flag and was respected. Israeli forces had occupied the Western part on the Jerusalem side

and were entrenched in the two other buildings in the Zone—the Jewish Agricultural School and the Arab College. In the Arab College there were a number of refugees who had not had time to escape and who were transferred to Jerusalem by the Jewish troops.

In the morning of August 18, there was a conference at Government House at which United Nations observers, Transjordan and Egyptian officers, an Israeli liaison officer and three ICRC Delegates took part. (As the fighting in Zone No. II was a violation of the truce, the question came within the competence of the United Nations Commission.) It was not possible to establish the former position immediately. Each party feared that, if it abandoned the positions it had gained, the other would occupy the entire Zone.

The same day, the Delegation addressed a Note to the Arab military authorities of Jerusalem and to the Jewish authorities which, without taking position in regard to responsibility for the violation of the Zone, protested strongly against it. On August 19, the Delegates had an interview at Jerusalem with the Governor, Mr. B. Joseph and with Colonel Dayan, Commander of the Jewish forces in Jerusalem. An agreement in principle was reached: the Jewish forces would evacuate their troops and hand over the refugees from the Arab College unconditionally, provided the Arab forces quitted the positions they had occupied on the outskirts of the Zone at Government House. The same afternoon, Colonel Abdallah Tell agreed in principle to evacuate his troops from these positions.

On the proposal of General Landstroem, United Nations Military Observer, a meeting took place on August 20 at midday in the No Man's Land between Government House and the Jewish Agricultural School, which was attended by the United Nations representatives, the Arab and Jewish authorities, and the ICRC. A draft agreement was drawn up, providing for the evacuation of all troops from the Zone and the creation of a large demilitarized area which would include the former Safety Zone.

The situation at Government House was very tense during the next two weeks. In the building were a Delegate, a nurse,

the Arab staff and about twenty refugees. The Jewish Agricultural School continued to be occupied by the Jews, who also guarded the entrance to the Arab College. The Arabs had established their positions at the limit of the Zone. There was fighting every day in the grounds, which became especially serious on the night of August 26/27, when machine-guns and mortars were used; communications were practically impossible.

Zone No. II could scarcely be called a Safety Zone any longer, but the Delegates thought it necessary to maintain the Red Cross flag on Government House as long as possible. In case of evacuation, there would have been an immediate battle to secure so important a strategic position. It will moreover be remembered that the agreement at the beginning of May under which the ICRC was given the use of Government House for the duration of hostilities, provided that the building should be handed over to whatever new Government should be set up.

Re-establishment of Zone No. II.

On September 2, while fighting was still taking place around Government House, the principal United Nations Observer, whose intervention had been extremely valuable, was able to announce that the Egyptian, Transjordan and Israeli forces had agreed in principle to demilitarize an area surrounding the Safety Zone. Accordingly, fears on both sides that the other might conquer the entire Zone were ended. The limits of the demilitarized area, the conditions for the withdrawal of troops and for the return of refugees transferred by the Jews to Jerusalem, had still to be decided. A meeting to do so was fixed for September 3.

Finally, on September 4, the Delegation was in a position to announce that Safety Zone No. II had been entirely restored, all troops having been evacuated and military installations destroyed. The creation of the demilitarized zone, under the supervision of two United Nations Observers, prevented a renewal of incidents.

Organization in the Zones.

It will be recalled that Safety Zone No. I was made up of three large stone buildings, two of which, the YMCA and the King David Hotel, were equipped as hotels and had kept on part of their staff. An ICRC Delegate was in charge. Two nurses looked after the refugees, one taking special care of health (a dispensary which was opened twice daily, sick visiting, infant welfare etc.), and the other of social questions (conditions, arrangements for the immediate future, and general supervision of the building).

From May 14 to July 22, the Delegation operated from Zone No. I which, on an average, sheltered somewhat more than a hundred refugees—85 at the YMCA, about half being children, and 50 in the Terra Santa Convent. The King David Hotel was used only occasionally.

Most of the refugees slept on mattresses on the ground. Mattresses and blankets were supplied by the YMCA. As far as possible, children were grouped in one dormitory, mothers and babies in another; the members of families were also allowed to remain together.

Zone No. II, which operated from May 14 to August 22, was also directed by a Delegate with the assistance of two nurses. The Arab College and the Jewish Agricultural School each gave shelter to varying numbers. The principal building gave permanent refuge to about twenty children and ten Arab women. Each day, Arab women came from the neighbouring villages to have their children looked after in the dispensary.

Both Zones had large quantities of non-perishable foodstuffs left by the British troops. Zone No. I could also receive supplies from Jerusalem and in emergency—but with difficulty—from Tel Aviv. Zone No. II, isolated between the lines, could be supplied from the Arab Old Town. The way was long and difficult, however, and foodstuffs, the oil for cookers, and medical supplies, would have to be carried by donkey. As it happened, food did not at any time run short.

Much more serious was the question of water. The Jerusalem water supply was cut by Arab forces, and the Safety Zones

were in the same position as the Jewish town, depending upon strictly rationed supplies from water-tanks. In Jerusalem, measures taken by the municipality from the beginning of May ensured a given quantity daily, very small, but under the circumstances, sufficient. In Zone No. II the only tank from which Government House could be supplied was almost dried up at the end of August.

The costs, covered by gifts and contributions from both sides, were relatively insignificant. The buildings were handed to the ICRC with equipment and, in the case of the YMCA and the King David Hotel, part of the staff remained on, paid by the owners. The general direction was in the hands of ICRC personnel already available. The stocks of food left by the British forces made a valuable contribution.

Conclusions.

The Jerusalem Safety Zones were one of the Committee's most striking successes in Palestine, and an experiment of the highest interest. With the Madrid and Shanghai precedents, they offer the only examples of places of refuge being effectively established, organized and kept working over a period of time.

Several of their special features—the fact, for example, that they were entirely administered by the ICRC, and not by the interested parties—were inherent in the conditions of the Palestine conflict. It still remains that, in common with those of Madrid and Shanghai, they differed very considerably from what had been projected in previous legal studies. The theory was that there should be permanent Zones behind the lines reserved for certain given groups ; what actually happened was that provisional shelters were set up in the actual fighting zone and opened to all of the local population.

It must however be noted that neither side used aircraft or long-range artillery ; the continued existence of Safety Zones in the front lines was accordingly very much facilitated.

Supply services were satisfactory. Again it must be remarked that the number of refugees in each Zone scarcely exceeded the hundred mark, so that the problem was not serious. If,

as has been feared, there had been thousands of refugees, the question of food, water and health services could not have been so easily got over.

It may also be recalled that the Zones were for use only during the—presumably brief—periods when the fighting presented an immediate danger to non-combatants. The Zones effectively protected some hundreds of women and children, and promised protection to a much greater number should the situation worsen. The experience was valuable in preparing draft agreements on Safety Zones. The voluntary abandoning of Zone No. 1 showed how important location is, and demonstrated that the possibility of being considered a military objective is an absolute bar. The incident which endangered Zone No. II showed that even violation of a Zone need not necessarily lead to its being abandoned.

The experience was of the greatest importance for discussions, at the XVIIth International Red Cross Conference, Stockholm, 1948, and later at the 1949 Diplomatic Conference, on the revised drafts of the Geneva Conventions which contained new Articles dealing with the creation of Hospital and Safety Zones and Localities. The example of Jerusalem led to a new development in the Fourth (Civilian) Convention—Neutralized Zones which can be set up temporarily, and in the actual fighting area.

(To be continued).

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

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DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

June, 1952

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRINCIPAL ITEMS OF INTEREST

Korea. — The work of the ICRC Delegation in South Korea was carried on in a normal manner during the month of May. It consisted mainly in visits to camps and places of internment.

The attention of the Delegation was more especially directed to the general consequences which might ensue from the incidents which had occurred in Koje Island. Numerous exchanges of views on the subject took place between the detaining authorities of the prisoners of war and the Head of the ICRC Delegation in South Korea. In addition, M. David de Traz, Assistant Executive-Director of the International Committee of the Red Cross, proceeded on a short mission to Tokyo early in June, bearing instructions from the ICRC and its President to Dr. Otto Lehner, Head of the ICRC Delegation. He had various interviews, notably with General Clark, Chief of the United Nations forces.

Far East. — In order to be in a position to give rapid assistance to war victims in North Korea, the International Committee had constituted a stock of medical relief supplies in Hong Kong. These supplies, which included a large quantity of medicaments presented by the Swiss Federal Government, had been brought to the spot by the mission to the Far East headed by the President of the ICRC in March 1951. On several occasions these medicaments were offered to the Chinese Red Cross for distribution to the wounded and sick of the armies in the field, prisoners of war and civilian war victims. The Chinese Red Cross informed the International Committee that any such distribution through its intermediary depended first of all upon the approval of North Korea itself ; but this approval was never given. The efforts of the ICRC having been unsuccessful, it was decided to remove the relief supplies from Hong Kong for use elsewhere in the Far East, as and when the necessity occurred.

Repatriation of Children. — On May 15 a convoy of 211 “Volksdeutsche” children from Jugoslavia, awaited by their families in Austria, Germany and France, passed the Austrian border. Up to this point of their journey the children were accompanied by a delegation of the Yugoslav Red Cross, and from there onwards were taken in charge by two delegates of the International Committee of the Red Cross, as well as by representatives of the Austrian and German Red Cross Societies. A second convoy is expected to leave in July.

Middle East. — During the month of May the ICRC Delegate for the Middle East, M. Pierre Gaillard, visited Bengazi and Tripoli to pay a first visit to the national authorities of the Kingdom of Libya.

In the course of the mission M. Gaillard met His Excellency Fathy el Kikhia, Minister of Justice and Acting Prime Minister, His Excellency Mohammed Osman, Minister of Health and the Governors of Cyrenaica and Tripolitania.

These various interviews were more particularly concerned with the question of adhesion to the 1949 Geneva Conventions and the founding of a Libyan National Red Cross Society.

Indonesia. — The ICRC Delegate in Djakarta, Dr. Pflimlin, who is returning to Europe, has been replaced by M. Munier. Before leaving his post Dr. Pflimlin, accompanied by his successor, visited the Amboyna and Ceram Islands, where contacts were made with the local authorities and representatives of the Indonesian Red Cross. The delegate visited the camps where prisoners of war of the Southern Moluccas forces are held, Amboyna Prison and a leper colony. The Report of these delegates is now being studied in Geneva.

Indochina. — In April M. Durand, ICRC Delegate, visited the following camps :

Phuc-Yen,
Vin H-Yen,
Phu-Lo,
Camp No. 13, Hanoi,
Camp No. 21 Gia Lam.

Reports concerning these visits are now under consideration in Geneva.

Information. — In response to an invitation from the Netherlands Red Cross, M. R. Bovey, Head of the ICRC Information Service, travelled to The Hague, where on May 17 he attended a meeting for the purpose of interesting the Netherlands Press in the annual propaganda campaign of the Netherlands National Society. He indicated to the Netherlands journalists some of the international tasks of National Red Cross Societies, in particular in connection with the entry into effect of the new Geneva Conventions.

ANNUAL AUDIT OF ACCOUNTS FOR THE YEAR
ENDED DECEMBER 31, 1951

The Annual Accounts of the International Committee of the Red Cross are audited each year ¹ by the " Société Fiduciaire Romande OFOR S. A. ".

The Society's Report for the year ended December 31, 1951, is given below.

Gentlemen,

On your Committee's instructions, we have audited the Annual Accounts to December 31, 1951, of the International Committee of the Red Cross and of its subsidiary relief works.

On the basis of the vouchers, books and supporting documents placed at our disposal, we have made numerous spot checks and examinations of documents concerning the operating of the Committee during the year 1951.

We then checked the figures of the General Balance Sheet as on December 31, 1951, which served in drawing up the Consolidated Balance Sheet and the General Income and Expenditure Account for 1951. These two documents which are shown in annex are in conformity with your Committee's books. The existing assets were proved and the income for the 1951 financial year had been effectively received.

We recall that in the course of the year sundry commitments and extraordinary expenditure, not provided for in the Committee's budget, as well as certain amounts received for the refund of expenditure incurred by your organisation during the second World War have been attributed or assigned to the " Provision for General Risks " Account, of which the balance as on December 31, 1951, Fr. 2,884,889.06 has been entered under Liabilities on the Balance

¹ See *Revue internationale*, English Supplement, June 1951, p. 105.

Sheet, having taken over the balance of the deficit of Fr. 3,003,017.19 carried over at the end of 1950.

We also recall that we have already verified the Annual Accounts for 1951 of the various Special Funds entrusted to the International Committee, namely :

- The ICRC Foundation
- The Augusta Fund
- The Empress Shôken Fund
- The Florence Nightingale Medal Fund.

The auditing of these Accounts, which were found to be accurate, was the object of our special Reports of January 14 and 15, 1952.

All documents and information required for the execution of our work have been readily supplied.

Geneva, April 7, 1952.

INTERNATIONAL COMMITTEE

CONSOLIDATED

ASSETS

AS ON

AVAILABLE AND REALISABLE	Sw. Fr.
Cash in hand	28,489.58
Postal Cheque Account	153,290.88
Balance at Swiss Banks	651,058.07
Foreign currency holdings	35,091.91
Public and other securities deposited at the Swiss National Bank	13,577,066.50
<i>Total</i>	<i>14,444,996.94</i>
EARMARKED	
Advances to ICRC Delegations and Delegates abroad	378,971.87
National Red Cross Societies. Governments and official organisations	24,398.80
Sundry debtors, advances of funds and costs for recuperation	824,752.12
Temporary assets (costs paid in advance)	128,271.80
Stocks of pharmaceutical relief supplies	47,401.89
<i>Total</i>	<i>1,403,796.48</i>
RESERVE STOCKS	
Relief Section (foodstuffs and clothing)	69,324.60
Pharmaceutical Section	7,002.85
Office Supplies Section	93,058.70
<i>Total</i>	<i>169,386.15</i>
OTHER ASSETS	
Sundry securities, of nominal value only, presented to the ICRC	1.—
Capital shares in the Foundation for the Organization of Red Cross Transports	1.—
Legacy, M ^{me} E. M. Domke (bare ownership)	1.—
Equipment and furniture	1.—
<i>Total</i>	<i>4.—</i>
TEMPORARY ACCOUNT	
Advance to the ICRC Personnel Provident Fund (redeemable in 20 years)	1,321,166.24
<i>Gross Assets</i>	<i>17,339,349.81</i>
DEBIT BALANCE AS ON DECEMBER 31, 1951	
Debit Balance for 1951	3,129,097.31
<i>Grand Total</i>	<i>20,468,447.12</i>
Debtors for security	400,000.—

OF THE RED CROSS

BALANCE SHEET

DECEMBER 31, 1951

LIABILITIES

COMMITMENTS	Sw. Fr.
General Relief Account	2,155,106.29
ICRC Delegations and Delegates abroad	109,900.10
National Red Cross Societies, Governments and official organisations	169,277.73
Sundry creditors and temporary assets	558,721.55
Swiss Confederation Loan	3,000,000.—
<i>Total</i>	<i>5,993,005.67</i>
SUNDRY PROVISIONS	
Provision for specific action in case of a general conflict	5,000,000.—
Provision for general risks	2,884,889.06
Provision for the XVIII International Red Cross Conference	100,000.—
Provision for writing off reserve stocks	169,386.15
<i>Total</i>	<i>8,154,275.21</i>
TEMPORARY ACCOUNT	
Funds allocated to the ICRC Personnel Provident Fund (to be restituted to the provision for general risks)	1,321,166.24
RESERVE FUND	
ICRC Reserve Fund as on December 31, 1951	5,000,000.—
<i>Grand Total</i> <u>20,468,447.12</u>	
Guarantee Foundation for the Organization of Red Cross Transports	<u>400,000.—</u>

EXPENDITURE

GENERAL INCOME AND EXPENDITURE

	To 1951 Sw. Fr.	To previous years Sw. Fr.	Total Sw. Fr.
EXPENDITURE RELATIVE TO GENEVA HEADQUARTERS			
PERSONNEL			
Staff remuneration	2,036,788.45	—	2,036,788.45
Family and cost of living grants	147,770.55	125.—	147,895.55
Participation Personnel Provident Fund	91,330.40	—	91,330.40
Social Insurance (Old Age and State)	44,875.20	—	44,875.20
Accident & Unemployment Insurance, Social Aid	26,089.80	274.40	26,364.20
Share in staff transport expenses (Geneva-Pregny)	57,343.30	100.—	57,443.30
<i>Total</i>	<i>2,404,197.70</i>	<i>499.40</i>	<i>2,404,697.10</i>
GENERAL OVERHEAD EXPENSES			
Postage, telegrams, telephone	116,054.16	78.95	116,133.11
Heating and lighting	26,594.—	—	26,594.—
Stationery, photostats, office supplies	46,371.50	208.80	46,580.30
Office equipment (purchase and upkeep)	44,867.97	125.50	44,993.47
Equipment, supervision and upkeep of premises	46,228.36	1,838.30	48,066.66
Upkeep of cars and lorries, Geneva	60,860.65	84.23	60,944.88
Reception of visitors	10,940.50	350.05	11,290.55
Press subscriptions, etc.	10,515.09	3.25	10,518.34
Travelling expenses, Switzerland	24,152.50	6,992.95	31,145.45
Sundry	64,143.62	2,664.15	66,807.77
<i>Total</i>	<i>450,728.35</i>	<i>12,346.18</i>	<i>463,074.53</i>
SPECIAL EXPENSES			
Printing and publishing, Revue ICRC	98,575.31	—	98,575.31
Wireless and films	45,058.55	—1,251.40	43,807.15
Allowance for expenses, members of the Presidency Council	53,760.—	—	53,760.—
Red Cross Conferences and Meetings (including 25,000 francs to the provision for the XVIII International Red Cross Conference)	69,598.36	—	69,598.36
Missions abroad	237,561.29	11,333.05	248,894.34
<i>Total</i>	<i>504,553.51</i>	<i>10,081.65</i>	<i>514,635.16</i>
DELEGATIONS			
Staff remuneration	310,894.05	2,105.—	312,999.05
Travelling expenses, insurance, Delegates' maintenance and overhead expenses of delegations	865,058.64	52,587.37	917,646.01
<i>Total</i>	<i>1,175,952.69</i>	<i>54,692.37</i>	<i>1,230,645.06</i>
<i>Total of Expenses</i>	<i>4,535,432.25</i>	<i>77,619.60</i>	<i>4,613,051.85</i>
DEBIT BALANCE AS ON DECEMBER 31, 1951 CARRIED FORWARD			
	—	3,285,535.24	3,285,535.24
<i>Grand Total</i>	<i>4,535,432.25</i>	<i>3,363,154.84</i>	<i>7,898,587.09</i>

OF THE RED CROSS

ACCOUNT AS ON DECEMBER 31, 1951

RECEIPTS

	To 1951 Sw. Fr.	To previous years Sw. Fr.	Total Sw. Fr.
CONTRIBUTIONS AND DONATIONS FOR GENERAL PURPOSES			
Contributions of Governments and of National Red Cross Societies			
	1,032,472.43	223,240.30	1,255,712.73
Sundry contributions and gifts			
	27,261.32	13,111.75	40,373.07
	<i>Total</i> 1,059,733.75	236,352.05	1,296,085.80
INCOME FROM CAPITAL INVESTMENTS			
Interest from Public Securities			
	44,049.05	17,932.80	61,981.85
ICRC Foundation			
	27,993.20	—	27,993.20
Bank interest			
	12,418.80	18,646.30	31,065.10
	<i>Total</i> 84,461.05	36,579.10	121,040.15
SUMS RECOVERED AND SUNDRY RECEIPTS			
Reimbursements and payments towards Headquarters and Delegations expenses			
	120,866.44	30,682.15	151,548.59
Sundry Refunds			
	67,703.56	56,524.35	124,227.91
Sundry Receipts			
	73,570.14	—	73,570.14
	<i>Total</i> 262,140.14	87,206.50	349,346.64
	<i>Total Receipts</i> 1,406,334.94	360,137.65	1,766,472.59
LEVY ON PROVISION FOR GENERAL RISKS FOR WRITING OFF			
1950 DEFICIT BALANCE			
	—	3,003,017.19	3,003,017.19
<i>i.e.</i>			
Deficit as on December 31, 1950, carried forward Fr. 3,285,535.24			
<i>Less:</i>			
Surplus on accounts entered in 1951 for previous years 282,518.05			
Debit Balance 1950 <u>Fr. 3,003,017.19</u>			
DEFICIT FOR 1951 3,129,097.31			
 <i>Grand Total</i> <u>4,535,432.25</u> <u>3,363,154.84</u> <u>7,898,587.09</u>			

LUCIE ODIER

Member of the International Committee of the Red Cross

*TRAINING, DUTIES, STATUS AND TERMS OF
ENROLMENT OF THE MEDICAL PERSONNEL
ASSIGNED TO THE CARE OF THE WOUNDED
AND SICK OF THE ARMED FORCES*

On 15 October 1951, the International Committee of the Red Cross asked the National Red Cross Societies to assist the Committee in completing their records on the following items :

Training and Duties of nurses, medical orderlies, assistant nurses and voluntary aids, enrolled in wartime by the National Red Cross Societies and the Medical Services of the Armed Forces ;

Status and Terms of enrolment of such personnel.

With its request the International Committee of the Red Cross enclosed questionnaires for the purpose of making clearer to the National Societies the points upon which the Committee required enlightenment, and so facilitating the classification of replies.

On the 25th of the same month the International Committee of the Red Cross sent a similar request, enclosing similar questionnaires, to the Heads of the Medical Services of the Land, Sea and Air Forces of the countries signatories to the Geneva Conventions ; and a few days later they informed the responsible Ministries of the steps which had been taken, so that the Committee might be in a position to supply correct answers to any enquiries which might come in from National Red Cross Societies and Medical Services.

The questions concerning the staff tending the wounded and sick seem to have aroused interest among a large number of States and of National Red Cross Societies. On 30th April 1952 the International Committee of the Red Cross had received a total of 65 replies from 47 different countries. They were from the :

— *National Societies of:* Australia, Austria, Belgium, Canada, Chile, Cuba, Ecuador, Ethiopia, Finland, France, Germany, Greece, Guatemala, India, Iraq, Ireland, Liechtenstein, Luxemburg, New Zealand, Nicaragua, Pakistan, Peru, Portugal, Sweden, Switzerland, Union of South Africa, United States of America, Uruguay, Venezuela, Yugoslavia ;

— *Medical Services of the Armed Forces or of the responsible Ministries of:* Afghanistan, Australia, Belgium, Bolivia, Brazil, Bulgaria, Canada, Costa Rica, Cuba, Egypt, Greece, Guatemala, India, Indonesia, Iran, Ireland, Italy, Jordan, Netherlands, New Zealand, Norway, Pakistan, Panama, Philippines, Portugal, Spain, Sweden, Switzerland, Thailand, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia.

Among those replies, 9 Red Cross Societies and 3 Governments supplied incomplete or merely general data, since their Services were in process of organisation or reorganisation and some of them had asked the Committee to make suggestions in that connection.

On the other hand, 14 Red Cross Societies (Australia, Austria, Belgium, Chile, Ethiopia, Finland, Great Britain, Greece, India, Ireland, New Zealand, Switzerland, Union of South Africa, Yugoslavia), and 20 Medical Services (Brazil, Canada, Costa Rica, Egypt, Greece, Indonesia, Iran, Ireland, Jordan, Netherlands, Pakistan, Philippines, Portugal, Spain, Switzerland, Thailand, Union of South Africa, United Kingdom, United States of America, Yugoslavia), sent the Committee detailed replies, often accompanied by additional documentation of a very interesting nature.

The International Committee of the Red Cross is anxious at once to thank all these correspondents for the valuable information they have supplied. Other replies are on the way ; but pending their arrival the International Committee of the Red Cross finds it advisable to summarize the substance of the material already available, and to submit forthwith to the XVIII International Red Cross Conference certain conclusions upon which it would welcome comments.

TREATMENT OF THE WOUNDED AND SICK OF THE ARMED FORCES IN WARTIME

A. *Work of the National Societies in this connection*

Out of the 31 replies received from the National Societies to date (30 April 1952), we note that only six Societies undertake (in the capacity of auxiliary of their Army Medical Services) responsibility for the management of hospital establishments, or for the supply of qualified medical personnel to the military hospital of their forces in wartime. On the other hand, most National Societies supply the wounded and sick of the armed forces with the social assistance and moral comforts which rank as an indispensable complement to modern therapeutics. These include, primarily, social assistance in its manifold forms, distribution of small gifts, planning of therapeutic exercises, healthy entertainment and lectures of all kinds.

Several National Societies have not included in the programme of their activities assistance to the wounded and sick of their armed forces, either because the Medical Services of their armed forces themselves undertook that responsibility, or because their country had no army, or because they had never been involved in international warfare for the past twenty or thirty years and the need for work of that kind did not appear to be urgently necessary.

This marked diversity of the conceptions by the National Societies of their functions, and the renunciation by several of them of a function which was considered fundamental at the

time the Red Cross was created, may at first sight seem surprising, but is easily explained by subsequent developments.

In 1859 Henry Dunant found on the battlefield of Solferino that the wounded and sick were dying for want of care. A few years later he published his book "A souvenir of Solferino" to arouse public opinion in regard to the deficiencies of the Medical Services of the armed forces in Europe, and to the need for setting up relief societies to fill the gap. The National Red Cross Societies, which were rapidly formed throughout the entire world, at once set to work and played an important part as pioneers in this connection. Since that time the Medical Services of the armed forces have been thoroughly reorganised, and now operate according to the most up-to-date methods, and are able in many countries to meet all the demands which will be made upon them in wartime. Since the Army Medical Services no longer require the assistance of auxiliary nursing personnel, it is only natural that the Red Cross Societies should have renounced activities which are no longer necessary, and turned their attention to other victims who so far receive no relief. In so doing they are adapting themselves to the very different circumstances prevailing in their respective countries, and in agreement with their Governments are preparing to supply the utmost possible aid to the victims who are most in need of it. They endeavour to avoid any overlapping with official services, and to fill in any existing gaps, in such a way as to enable properly coordinated relief work to render the greatest possible service to the victims.

B. ACTIVITIES OF THE MEDICAL SERVICES OF THE ARMED FORCES

From the many exhaustive replies which the ICRC have received from the various Medical Services of the Army, Air and Sea Forces, some idea can be gained of the very great development and the improved organisation which the majority of these have undergone. As a general rule, these Services have available a first-class medical corps of specialists in the various branches of surgery and medicine, a corps of fully trained

nurses from the best schools of the country, and the requisite number of medical orderlies selected from amongst volunteers from the troops and trained in the medical detachments and hospitals of the army, air and sea forces. The hospital establishments of the armed forces are now of the highest standard: they possess the most up-to-date equipment, and all the auxiliary therapeutic units, such as laboratories, radiotherapy, physiotherapy, dietetics equipment, etc. In short in certain countries the State has made a considerable financial effort to endow the Medical Services of the armed forces with the means of accomplishing the heavy tasks which are liable to be laid upon them in wartime. With a view to that eventuality many army Medical Services now have large reserves of medical personnel, well trained and immediately available to be called up in case of necessity.

Not all army Medical Services of course have yet reached a satisfactory degree of organisation, and many are even far from the target they have set themselves. In certain countries these services are still embryonic. But it is reassuring to see that the Medical Services of the armed forces cooperate closely with one another, and that they are seeking to standardize their working methods, and have made a considerable effort to reorganize their services along the most modern lines. These efforts have already produced excellent results in many countries.

CLASSIFICATION OF MEDICAL PERSONNEL

The terms used to define the various categories of nursing personnel vary widely from one country to another. Sometimes the terms are identical, though they designate different categories. To avoid any confusion or misconception, the International Committee of the Red Cross has classified such personnel roughly into four large groups which have been defined as follows:

1. *Nurses* (infirmières): Persons who hold a certificate after a full course in a duly recognized nursing school;

2. *Medical Orderlies* (infirmiers) : Male members of the medical personnel employed in collecting, transporting and nursing the wounded and sick ;
3. *Assistant nurses* (aides-infirmières) : professionals who are duly authorized to assist nurses in caring for the sick and who have received the necessary training ;
4. *Voluntary Aids* (auxiliaires-volontaires) : Non-professionals who have received elementary training, and who place their services at the disposal of the Red Cross (Red Lion and Sun, Red Crescent), or of the armed forces.

INSTRUCTION AND TRAINING OF MEDICAL PERSONNEL

I. *Nurses*

It is very gratifying to note that in most countries three years' study is in general considered indispensable for obtaining the professional nurse's certificate. All nursing schools under the State, the Red Cross or private bodies now comply with this rule. Since 1864 the International Red Cross Conferences have always sought to develop the training of medical personnel, and have passed many Resolutions on the subject. They have recommended in particular that the National Societies, which are responsible for nursing schools, should be guided by the report drawn up by the Education Commission of the International Council of Nurses in planning their training syllabus. (Brussels 1930, VI., I., 10). In general, all the Resolutions recommend National Red Cross Societies not to employ any but nurses of the highest professional standard. We consider that the National Societies bear a responsibility in this respect, and that their example may exert a great influence in improving the professional training of nurses.

Furthermore, to improve their preparation for the difficult task which may await them in emergency work in time of war or catastrophe, the Conference of Red Cross experts, which met in Paris in 1937 to study the training of nursing personnel, recommended that professional nurses should be given finishing

courses in the theory of the most recent methods of emergency relief, as well as practical exercises at frequent intervals to give them an opportunity of developing their initiative and ingenuity in creating emergency apparatus (Provisional Conclusions of the Conference of Experts, page 286).

Nurses who are candidates for enrolment in the Medical Services of the armed forces must be State registered Nurses—that is to say, they must all have had three years' training in one of the best schools of their country. In addition, if their candidature is accepted, they must follow, under the direction of the Medical Services of the armed forces, several months of finishing courses to become familiarized with military discipline and nursing methods in the medical establishments of the army, air and sea forces. If the results of this test period are mutually acceptable, the nurse is then given a final enrolment in the Medical Services of the armed forces.

In addition, to develop the training of their personnel and avoid too much routine, some Medical Services have finishing courses for their nurses in one or other of the different branches of nursing. These courses are spread over various stages of their career, and the nurses thus specialized have additional responsibility and the opportunity of reaching higher grades.

2. Medical Orderlies

In the hospital services and in relief work in cases of catastrophe, there are a certain number of tasks and treatments which require great physical strength. In such cases, it is a great advantage to employ medical orderlies, provided the latter know how to combine gentleness with strength. Medical orderlies can be excellent nurses, and it is not surprising that in certain countries custom demands that all wounded and sick of the armed forces should be tended exclusively by male nurses. However in most States the Medical Services of the armed forces employ both medical orderlies and nurses, and divide the work between them according to their capacities. The National Societies enrol principally nurses, and exceptionally medical orderlies, for treatment to be given in hospital

establishments of the Red Cross ; but in practice they sometimes ask the Medical Services of the armed forces to supply them with medical orderlies as stretcher-bearers.

The training of medical orderlies varies as from one country to another. As a rule the training they receive is shorter and more elementary than that of nurses. The Medical Services of the armed forces select from amongst the recruits who offer voluntarily to enrol in the Medical Services those candidates who seem suitable, on condition that their general education is sufficient to enable them to become good medical orderlies. The recruits are then incorporated in the medical detachments, and receive their training as prospective medical orderlies in the military hospitals of the land, sea and air forces. The period of training ranges from a few weeks to one year, but is much longer in countries where it is the practice to use only medical orderlies for all care of wounded and sick of the armed forces. Several of these army Medical Services have even schools for medical orderlies with a study programme covering two or three years.

Some army Medical Services moreover give special training as stretcher-bearers and first-aid auxiliary workers to certain elements of the rank and file, who are liable to be called upon to serve as orderlies, should the number of wounded so require. Such auxiliary personnel does not enjoy the protection of the Geneva Convention except when it is actually employed upon medical duties.

We venture to draw attention in this connection to the great importance of giving elementary training in hygiene and in the care of the sick, not only to auxiliary orderlies, but to troops as a whole. In the lesser developed countries such training would undoubtedly contribute little by little to raising the general level of public health of the populations concerned. It would seem particularly necessary to disseminate such instruction as widely as possible amongst the native troops of certain countries.

3. *Assistant Nurses*

In modern nursing, the tasks which fall to nurses are becoming more and more numerous, intricate and absorbing, and

require an ever-increasing number of nurses. Unfortunately the recruitment and training of young nurses has not followed the requisite improved standards, and a shortage of nurses is threatening to paralyse the work in hospitals and in public health services. To overcome this crisis which, it is to be hoped, is only temporary, certain countries have been forced to improvise a new group of professional medical personnel, for the purpose of relieving the nurses of certain daily routine tasks, and enabling them to devote more time to delicate treatments and work entailing responsibility. This new group of professionals, whom we have called "assistant nurses", follow a one or two-year course to train them for the proper discharge of routine duties, but work only under the supervision of nurses. Their duties are limited, and they are not allowed to undertake responsibilities which go beyond their competence. Many of these assistants are engaged in civilian hospitals, convalescent homes and establishments for the aged; but according to the information received by the International Committee of the Red Cross, only one army Medical Service is contemplating the enrolment of assistant nurses. All the others refrain. Such a measure is easily understood, as long as the army Medical Services are able to find the requisite number of nurses. In time of war or calamity the medical personnel of the armed forces often work in difficult and unforeseen conditions, and have heavy responsibilities. They must be very competent, if they are to distinguish between the initiatives they may, or may not, take. Mistakes are easily made; and they may have serious consequences for the wounded and sick, and therefore entail heavy financial liabilities for the army Medical Services who are responsible for the personnel they employ.

The National Red Cross Societies have the same responsibilities towards the staff they enrol in their services; and none of those who replied to the Committee employ professional assistant nurses. But they train and enrol a very large number of voluntary aids, one group of these being specially trained to assist nurses in their care of the wounded and sick.

4. *Voluntary Aids*

Voluntary Aids are the invaluable and even indispensable element without which the National Societies could not cope with the practical duties which fall to them in time of war, civil strife or calamities. At such tragic times all the available forces of the nation must cooperate ; and the work to be done is so variegated that all willing men and women can render useful service. Many hands enrol at the Red Cross, and undergo preparatory training for the work their National Society may require them to do in future.

This brief Report considers only the group of voluntary aids, who are intended to assist the Medical Services in the care of wounded and sick of the armed forces. The training of this group is generally carried out under the auspices of the Red Cross ; but in some countries it is under other agencies such as St John's Ambulance Brigade or the State.

The syllabus of courses for voluntary aids varies according to countries and the work they may be called upon to do ; but the basic training, everywhere includes theoretical and practical instruction in first-aid and in home welfare work. This instruction is spread as widely as possible throughout the population. The courses are held mostly in the evening to allow those in employment to follow them. The elementary training is subsequently completed in the different countries by very varied courses in general health or mother and child welfare, therapeutics, dietetics, etc. Male volunteers follow courses as stretcher-bearers.

RECRUITMENT AND ENROLMENT OF MEDICAL PERSONNEL

It is interesting to note that voluntary enrolment is always the basis upon which medical personnel is recruited by the Red Cross and by the armed forces. Everyone has not the required vocation to nurse the sick. Therefore in the interest of the sick themselves it is very desirable that the volunteer principle should continue to be observed.

But rational publicity, making known to all the organisation of the Medical Services and the material, professional and cultural advantages they offer to their staff is fully justifiable. In this connection certain army Medical Services show great ingenuity in appealing by means of official advertisements, Press articles, illustrated leaflets, appeals by radio, and lectures to the public and in the schools, to attract qualified candidates to the nursing schools and Medical Services. We feel however that emphasis should be laid, not only on the material advantages, but on the moral satisfaction gained by all those who devote themselves to these services.

Among the offers of services they receive the army Medical Services and the National Societies make a selection; and the successful candidates chosen are enrolled finally only after a test period and additional training.

The army Medical Services also build up many reserve groups of medical personnel. As a rule, they transfer to these groups nurses and medical orderlies who have concluded their service in the regular army, and are then automatically incorporated into the reserve corps.

The National Red Cross Societies generally have the responsibility of enrolling the requisite voluntary aids, either (in some countries) to complete the personnel of the Medical Services of the armed forces in wartime, or to carry out emergency Red Cross work in the event of catastrophes. In proceeding with such enrolment they take into account, not only the training of each candidate, but her physical strength, disposition and personality. The voluntary aid can render invaluable service by punctually and gently carrying out the daily routine care which is so important in the life of the patients; but she must also show common sense, devotion, discipline and a cheerful disposition in the performance of her duties.

Service Regulations

According to information received by the International Committee of the Red Cross, all Medical Services of the land, sea and air forces consider it useful to hand to all medical personnel a set of Regulations setting forth their duties towards

their armed forces and home country. The Committee consider that a similar set of Regulations is most necessary for the auxiliary personnel of the Red Cross, who are not always aware of their obligations towards their own armed forces, or of the rules with which they must comply under pain of penalties. This question seems to have engaged the attention of the National Societies and responsible authorities, for in many countries it is at present under consideration.

STATUS OF MEDICAL PERSONNEL

I. *Nurses*

In some countries nurses have the rank of officers, in others of non-commissioned officers. Elsewhere they have no rank, but work in their uniform of civilian nurses. In some countries again voluntary aids have officer's rank, while nurses do not. These divergencies of rank are a source of preoccupation to the Committee. If in the course of a war nurses of different nationalities are called upon to work together, it would not seem fair that the nurses of some countries should be compulsorily placed under the orders of their colleagues belonging to another country, even though their professional qualifications are higher, merely because their own armed forces do not give them ranks corresponding to those of their colleagues. Moreover, during their time off or leisure hours they will not be able to enjoy the same privileges, or to go out together.

A further point is that nurses do not live only in hospitals. They have sometimes to travel alone, either to go on leave, or to join a new post, or for some other official reason. Travelling in a country at war is not always easy; and in proximity to the front it is often slow and hazardous. If in such cases the nurse is not allowed the facilities in respect of transport, accommodation and meals which are exclusively the privilege of officers, she will have to travel with the troops, and sometimes amidst troops of other races, with whose language and customs she is not familiar. Such circumstances sometimes make the position of the nurse difficult, and may be detrimental to the respect which is her due and to the dignity of her profession.

If army rank is granted to nurses, it would seem that the three years of training they have had to undergo in a nursing school to acquire their certificate, and the several months of finishing courses under army discipline which they must follow in most countries if they are to be enrolled in the army, ought to be considered equivalent to the training required of army officers. Such at any rate are the motives which have actuated the great majority of army Medical Services in their regulations. There are certain Medical Services which do not share their opinion. In their case the Committee feel that the nurses would be better off by having no rank, being designated merely by a title corresponding to their duties—nurse, head-nurse, matron, etc. They would wear the uniform of their nursing school, to enable them (as in certain armies in the last World War) to have a special status equivalent to that of officers and of their colleagues of other armies in matters of accommodation, transport and food supplies.

2. Medical Orderlies

As a rule, the recruits of the Medical Services who begin their probation as orderlies have the status of privates in their own army. Later, they may rise to the various ranks of non-commissioned officers ; but it is only in certain countries that they can rise higher than this, when long training has fitted them for specialised work or for duties entailing responsibilities similar to those of officers. In some armies the medical orderlies of various categories are not designated by rank, but by titles corresponding to their duties and responsibilities (assistant orderly, probationer orderly, chief orderly). These titles confer on them the same privileges as on non-commissioned officers of equivalent ranks.

3. Assistant Nurses

According to the information at our disposal, professional assistant nurses have not yet been included in the Medical Services of the armed forces, or in the relief services of the National Red Cross Societies. Consequently, we have no

precise data as to the status which is likely to be given them in wartime.

4. *Voluntary Aids*

The position of voluntary aids varies according to the countries and the duties they undertake. In most cases they have only temporary duties. In wartime they remain under the orders of the Red Cross, which lends its units or personnel to the Medical Services of the armed forces. The voluntary aids are then designated by titles corresponding to their duties, rather than by rank. But some army Medical Services employ regularly in their army hospitals a small number of voluntary aids to attend to the welfare work and social assistance of the soldiers who are hospitalized there. The few women who hold these posts have army rank and enjoy the privileges which their rank confers. There is one country, in which voluntary aids work on a solely voluntary basis, and in recognition of their services the Government grants them officer's rank.

PAY

In army Medical Services medical orderlies generally receive the same pay as soldiers of the same rank. But in several Asiatic countries medical orderlies receive extra allowances, e.g. where they perform specialized duties which have required previous training over a long period.

On the other hand the regulations governing nurses' pay are variable. Sometimes nurses have the same pay as combatants of the same rank; but this rule is not applied everywhere. Several countries employing large numbers of women in their armies have two scales of pay, one for the male personnel, the other at a lower rate for the female personnel. Nurses are naturally classified in the latter category and receive the pay which corresponds to their rank:

With regard to voluntary aids, in some countries their work is voluntary: in others they receive allowances, or their maintenance is wholly or partly covered. Elsewhere, they receive normal pay, either direct through the army or from the Red Cross.

UNIFORM

According to the replies received, in wartime in all countries members of the Medical Services, who are regularly assigned to the care of wounded and sick of the armed forces, receive a uniform or at least the over-coat of a uniform, issued by the Red Cross or army in which they are incorporated. This arrangement has many advantages. In particular, it facilitates speedy identification of the members of the medical personnel of the belligerent countries, when they are away from their medical unit. It should however be remembered that, to benefit by the protection of the Geneva Conventions, medical personnel must be in possession of the identity papers stipulated by the Convention for the Relief of the Wounded and Sick in Armies in the Field (Article 21 of the Convention of 1929, or Article 40 of the Convention of 1949), and must wear on the left arm the armband bearing the distinctive emblem and stamped by the military authority.

As a rule, the uniform is supplied free of charge to nurses incorporated in the armed forces; but some Medical Services prefer to give them a special allowance, on the strength of which they are required to provide themselves with the regulation uniform.

Voluntary aids generally wear the uniform stipulated by the Red Cross, since they remain under the orders of their National Society. In most countries this uniform is supplied to them free of charge by the Red Cross, or they receive allowances for the purpose.

WORKING CONDITIONS

In principle, and subject to special circumstances, all armies and all National Red Cross Societies have adopted for their medical personnel the 8 hour day and the 48 to 52 hour week. In certain countries the usual time-table is however 7 hours; and in one country it is 6½ hours, with a weekly average of 36 hours. The work in certain tropical countries being particularly fatiguing, it is felt that countries need not adopt too strict a rule on this point. In any case the interest

of the wounded and sick to be cared for transcends any regulations ; and it is certain that in wartime circumstances will often demand an effort of the personnel which will far exceed the stipulated working day.

The number of wounded and sick to be looked after by nurses and medical orderlies varies according to the type of hospital and the number of voluntary aids in each service. But in the majority of countries the army Medical Services count 10 beds per nurse.

Regulation leave similar in length to that of combatants of corresponding rank is in force almost everywhere.

Food arrangements for medical personnel are generally in the hands of the hospital or army commissariat ; and, if the nurses have no canteen of their own, they are allowed to use the officers' canteen in all Medical Services of armed forces which confer on them officer's rank. Voluntary aids generally work in detachments and have their own canteen, either in the establishment where they work, or in the place where they are quartered. Rules in this connection cannot be standardized, for customs and circumstances vary in wartime from one country to another.

INSURANCE AND PAYMENT OF ALLOWANCES

In wartime medical personnel are exposed to danger and, when wounded or sick, they require treatment which is often long and costly. Sometimes their wound or sickness results in infirmity or more or less permanent disablement. All countries have not yet made the necessary arrangements to cover these war risks as far as possible. But as a rule nurses, who are regularly incorporated in the Medical Services of the land, sea and air forces are assimilated to combatants, and receive free of charge the same treatment or allowances for treatment. Like the combatants, they receive disablement grants, and their families are compensated in case of their death. The same provisions apply to auxiliary personnel enrolled in wartime in the Medical Services of armed forces. There are however

certain Governments which have decided that in wartime victims amongst the civilian population are to have the benefit of allowances more or less similar to those of combatants; and any such legal provisions would be applicable to the auxiliary Red Cross personnel. It matters little which Government service compensates medical personnel, provided they are fairly compensated and receive support where needed.

In some countries the State alone bears the whole financial cost of these insurances and allowances: in others insurance premiums are paid to the half of their amount by deduction from the pay of the personnel.

* * *

CONCLUSIONS

The International Committee of the Red Cross are not yet in possession of all the replies which have been announced from countries with regard to medical personnel employed in the Medical Services of armed forces and of the National Societies of the Red Cross, Red Crescent and Red Lion and Sun. But on the basis of the extensive information which has already come in it is thought possible to draw the following preliminary conclusions:

FUNCTIONS

1. *The care of wounded and sick combatants* in wartime must remain the primary object of the National Societies of the Red Cross (Red Crescent, Red Lion and Sun) in countries which have not yet an army Medical Service sufficiently developed and organised to assume the entire responsibility alone. In order that wounded and sick combatants may benefit by all the resources of modern therapeutics, the National Societies, in cooperation with the army Medical Services, will make every effort from peacetime onwards to recruit, and, if need be, to train in sufficient numbers, qualified medical personnel, and to prepare all the medical equipment required in that connection.

2. To achieve quick and favourable results, medical assistance ought to be supplemented by *social and moral assistance* for the purpose of helping war victims to overcome the difficulties and worry caused either by sickness or wounds, or by the temporary or permanent disablement which sometimes results from these. It is most desirable that the National Societies should supply such social and moral aid to wounded and sick combatants, if it is not supplied by the military personnel.

TRAINING

1. In wartime, as in peace, a complete training lasting 3 years is considered necessary for the medical personnel who carry responsibility in the medical services and hospitals. The syllabus in nursing schools is generally drawn up according to instructions received from the Education Committee of the International Council of Nurses. To avoid too much routine or specialization in the performance of their duties, it is desirable that during their career nurses should have the opportunity of completing their training by additional courses, finishing instruction and practical exercises to develop their ingenuity and powers of organization.

2. With regard to the training of the voluntary aid personnel who assist nurses in wartime in the care of wounded and sick, it seems difficult to standardize it at international level, the duties of such personnel and the working conditions varying too widely as from one country to another. In agreement with the nurses of their country, each Red Cross should draw up one or more training programmes corresponding to the duties which are likely to fall to voluntary aids and transport personnel. When mapping out a general plan of assistance to wounded and sick, it should be remembered that voluntary aids have only limited competence, and must always work under the orders of nurses who are fully qualified. But the valuable service which voluntary aids can render depends, not only on the training they have received, but mainly perhaps on their disposition, personality, devotion and discipline.

3. In addition, all members of Red Cross personnel who may have to work in the Medical Services of the land, sea and air armed forces ought to be instructed in the principles of the Red Cross, whose emblem they wear, as well as in the army rules and regulations to which they are subject in wartime, and in their rights and duties under the Geneva Convention which protects them.

STATUS

1. The Medical Services of the Armed Forces have rightly incorporated in the army units a large number of female medical personnel; but the status which has been given these nurses is so different in the different countries as to render any international collaboration between medical teams very difficult in wartime.

The great majority of Medical Services of armed forces have given the rank of officers to nurses, and they wear the badges of such rank on their uniforms. In principle however the International Committee of the Red Cross does not consider it indispensable to give army rank to nurses, provided that a special status is recognized in their case, and that with regard to transportation, accommodation and food supplies at least they benefit by the same facilities as officers. The Committee is however afraid that any lower army rank, which would compel nurses to share the living conditions of the troops, would be detrimental to the respect to which they are entitled and to the authority they must retain in connection with their nursing activities. The Committee therefore, very much hopes that the question of the status of female personnel will be studied by the army Medical Services on an international plane, and that they will come to an agreement that similar professional training for nurses should imply everywhere a more or less equivalent status.

2. In the case of Red Cross voluntary aids, who are employed in wartime in the Medical Services of the armed forces, it has been noted that they work generally in detachments and remain under the orders of the National Societies. They will

naturally therefore retain the status acquired in their detachment ; and, in agreement with the military authorities, their National Society will take all the necessary steps to ensure that their living conditions correspond to their situation and to the devotion they show in the service of their country.

TERMS OF ENROLMENT

1. The terms of enrolment of medical personnel vary considerably as between countries. The Medical Services of armed forces, who engage their personnel to meet the requirements of their army in normal times, offer terms of enrolment which are more or less similar to those in force in the civilian hospitals of their country while in wartime they mobilize their reserve personnel on the same terms.

On the other hand, the National Societies have methods of engagement which differ widely in the different countries. In some National Societies service is voluntary : in others there are allowances or pay at very diverse rates. It would seem advisable for the National Societies to preserve their liberty on this point, and to retain the particular methods they consider suitable. It would however be desirable that no person really qualified, devoted and desirous of serving the victims of war should be barred by the fact that his or her financial position does not permit of acceptance of an unpaid position or too low a salary.

2. Moreover in wartime medical personnel run risks ; and, to meet so far as possible the dangers to which they are exposed, it would be appropriate that all countries, which have not already done so, should make arrangements to ensure that all medical personnel are given adequate medical and surgical treatment in case of sickness, wounds or accident. As long ago as 1869 the International Red Cross Conference passed the following Resolution : " A pension shall be granted to persons who by nursing the wounded and sick in wartime have become disabled for earning their living, and to the families of those who have given their lives in similar circumstances." Practically

all countries have adopted this principle, and the necessary provisions have been made.

* * *

In conclusion we should like to draw the attention of Governments and of National Red Cross Societies to a point of primary importance, which appears to us to arise logically out of this report.

The experience of recent wars in the countries affected by the hostilities shows that the loss of life was higher in the case of the civilian population than in the case of the combatants. Yet the relief of the civilian population was considerably less effective than that provided for the wounded and sick of the armed forces. Men, women, children and old people died for lack of care on the roads or in the bombed cities, just as the wounded combatants died unheeded on the battlefield of Solferino. Here is a new category of victims who ought to be helped ; and their help falls within the field of Red Cross work.

Undoubtedly the National Societies should take part in the general effort to bring peoples together and to preserve peace, and each member of the Red Cross has a mission to fulfil in this respect. But, if by misfortune all efforts fail, and a new widespread conflagration cannot be avoided, the civilian populations will certainly be very severely hit. It is therefore necessary for the National Societies at once to place their services at the disposal of their Governments, and to cooperate to the utmost in the study and organisation of relief work to civilian populations in case of need. Such a study, with the possible measures of preventive organisation it may entail, could in no case be considered as "preparation for war". On the contrary, by enlightening public opinion, and by demonstrating in tangible form the devastation and unjust suffering which will be caused by modern combat methods, it will afford an incentive to all nations to avoid the repetition of a catastrophe which can, and ought to be averted.

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRINCIPAL ITEMS OF INTEREST

Austria. — The ICRC has just sent to the Austrian Government 100,000 cigarettes intended for Australian nationals repatriated from the USSR or still remaining in that country. It will be recalled that a similar gift was made in October 1951.

France. — The Paris Delegation of the ICRC has handed over to the French Prisons Administration three dental surgeries, which it had previously installed in the prisons of Lyons, Bordeaux and Lille to facilitate dental treatment for Germans detained in those establishments.

These surgeries will henceforth be used by the French Prisons Administration on behalf of all persons under detention in these prisons.

Italy. — During June the ICRC sent to the Italian Red Cross in Rome some 500 kgs of special medicaments for tuberculosis. The value of this consignment was Sw. Fr. 15,500: it was given for tuberculous war victims, and will be distributed by the Italian Red Cross.

A small gift of medicaments and tonics to the value of Sw. Fr. 2,200 was also made to the Italian Red Cross Social Service in Rome, in favour of necessitous refugees in Italy.

India. — In view of the alarming reports on famine in Madras and other parts of South India, the ICRC sent a first consignment of medicaments by air to the Indian Red Cross, Madras. These relief supplies, originally intended for the wounded and sick of the armed forces, prisoners of war and civilians in North Korea, will be distributed to the famine victims. The value of the supplies is Sw. Fr. 10,000.

Further consignments will be sent by sea.

Indochina. — M. André Durand, ICRC Delegate, started on June 17 and 18 a series of enquiries by radio with a view to obtaining information from the Red Cross of Democratic Vietnam in regard to missing members of the French forces. By the same channel, on June 21 and 22, M. Durand launched a new appeal to the Red Cross of Democratic Vietnam in order to renew the contacts made last year in Tonking.

Korea. — The incidents which have taken place in recent weeks in various prisoner of war camps of the United Nations forces, and notably at Koje, have interrupted the daily work of the ICRC delegates. The authorities responsible for the treatment of the prisoners thought it preferable on grounds of their personal safety for the delegates no longer to visit these camps until order had once again been established, and withdrew the visiting permit accordingly. The public was informed of this restrictive measure by a communiqué of the Supreme Command of the United Nations forces.

This exceptional situation led the ICRC to send a special delegate from Geneva to Tokyo last month, to draw the attention of the authorities in charge of the prisoners of war to the ICRC's wish for facilities for continued regular visits. The ICRC was told that its delegates could resume their activities as soon as order was restored in the camps. During this period visits were paid to other camps where order had not been disturbed.

Disabled. — During the month of June the Section for the Disabled continued its activities for individual and collective relief. In particular it sent a parcel of Braille watches to the Polish Red Cross for blind Poles. It further placed at the disposal of the ICRC Delegation in Paris a sum of 2,500 Swiss Francs to enable medical assistance to certain necessitous Polish war disabled to be continued. As part of the programme of providing artificial limbs for Greek amputees, 8 new prostheses were supplied to Greek exiles. Furthermore it sent through the British Red Cross in London remedial apparatus for the re-training of Yugoslav war disabled.

HOSPITAL LOCALITIES AND SAFETY ZONES¹

IV.

ARTICLES OF THE 1949 CONVENTIONS AND ANNEXED DRAFT AGREEMENTS

During the Second World War, there were only two Conventions which were realistically adapted to the conditions of modern war: those of July 27, 1929, for the wounded and sick, and for prisoners of war. The Xth Hague Convention of 1907, which adapted the Geneva Convention to maritime warfare, and some of the sketchy provisions of the IVth and Vth Hague Conventions, referred to civilians and to persons interned in neutral territories. Neither the 1938 Draft Convention on Hospital Zones and Localities or the 1934 "Tokyo Draft" for the protection of civilians, had been adopted by international agreements.

On February 15, 1945, even before hostilities had ended, the ICRC informed Governments and National Societies of its intention to prepare revised drafts of the Geneva Conventions, and new humanitarian agreements. Relevant documents were collected with a view to establishing the drafts in co-operation with the National Societies and Governments for submission

¹ See *Supplement*, May, 1952, p. 109.

to the XVIIth International Red Cross Conference and, later, to the Diplomatic Conference.

Preliminary Conference of National Societies (1946).

The Preliminary Conference called by the ICRC in Geneva from July 27 to August 3, 1946, did not go into detail on the 1938 Draft. It asked the ICRC, with the help of experts, to consider the question of introducing suitable provisions concerning the protection of Hospital Zones. It emphasized the necessity of excluding all military units and all establishments directly connected with war operations from neighbouring territory and within a given radius.

Government Experts Conference (1947).

In its documentation for the Government Experts Conference, which was attended at Geneva from April 14 to 26, 1947, by seventy representatives of fifteen Governments with special experience in the matter under discussion, the ICRC introduced the entire 1938 Draft on Hospital Zones and Localities. After reference to the efforts it made during the War to have Safety Zones set up, it proposed that regulations should be added to the Draft Civilian Convention ; the proposal ended as follows :

The ICRC believes it essential to undertake fuller study of the question of Safety Zones. Their wider scope should be proportionate to present conditions, and possibly include complete territories or perhaps neutral countries.

The protection of civilians is best ensured by absolutely prohibiting certain methods of warfare—as was shown when the use of poison gas and bacteriological warfare were effectively ruled out—but this must be supplemented in practice by creating Zones to shelter certain categories which have special need of protection. These Localities or Zones could be established in the same areas as the Hospital Zones proposed in the present documents for the protection of the military and civilian wounded and sick. The ICRC ventures to submit certain principles which should be followed in drafting treaty stipulations on Safety Zones and Localities.

1. Safety Zones and Localities should be open to
 - (a) children up to the age of sixteen,
 - (b) expectant mothers and mothers with children under four,
 - (c) persons over sixty,
 - (d) staff specially employed for the transport and care of the persons designated under (a), (b) and (c).
2. Safety Zones and Localities should be situated in areas which can have no interest for the conduct of the war ; from them must be excluded all military services, central civilian administrative offices, and industrial installations liable to be considered by the enemy as military objectives.
3. In peacetime, each of the High Contracting Parties may submit for the approval of the other Parties a list of localities, or parts of its territory as areas which, in time of war, would be used exclusively as Safety Zones for the categories set out under Paragraph 1.

At the beginning or in the course of hostilities, each of the High Contracting Parties would notify the adverse Party of Safety Zones it proposed to institute.

Procedure in case of opposition to be also prescribed.

4. Safety Zones and Localities shall be designated by an emblem to be agreed upon. This emblem shall also appear on all means of transport, whatever they may be, which are exclusively employed for taking protected persons to the Zones and Localities, and for the transport of provisions.
5. All care shall be taken to ensure that lines of demarcation are shown unequivocally both on the actual ground and on maps.
6. Recognized Relief Societies shall have all facilities for bringing help, in case of need, to those in the Zones and Localities.
7. In case of enemy occupation, the Safety Zones and Localities shall continue to serve their original purpose.

The belligerent may not alter the use to which they are put unless suitable provisions have first been made for the persons protected.
8. Safety Zones and Localities shall be supervised by a Commission whose members shall be citizens of neutral countries.

These proposals, it will be seen, are based on the 1938 Draft on Hospital Zones and Localities. The adaptation to include civilians gave effect to the General Saint-Paul's original idea, namely, that special protection should be given only to persons whose physical condition was such that they could be considered on the same terms as the wounded and sick ; in other words, they would be totally incapable of defending themselves or those in their charge.

The Government Experts Conference in April 1947 was faced with two vital questions :

- (1) Was it still worth while considering the creation of Hospital Zones and Localities ?
- (2) If so, should the provisions of the 1938 Draft, or certain of their essentials, be introduced into the Geneva Convention ?

The ICRC representative pointed out that even under the 1929 Convention it was possible to set up Hospital Zones in open country. Since every medical unit was protected as such by the Convention, it followed that several adjacent units would also be protected. On the other hand, the protection of the Convention could not be claimed for a Locality which contained members of the civilian population in addition to military personnel.

The Commission confined itself to the study of Hospital Localities, to the exclusion of Zones, which it took as implying very large areas. One Delegation pointed out in this connection that the difficulties would be almost insurmountable—in preventing the entry of people not entitled to come in, in eliminating military objectives, in locating the Zones at a distance from lines of communication, and in preventing aircraft from flying over them.

The Conference considered, in relation to Hospital Localities, that it should merely suggest, in the Convention, that belligerents might create such Localities by special agreement.

It accordingly suggested the introduction of a new Article (Article 9) which included a summary definition :

Belligerents may conclude special agreements for the creation of Hospital Zones for the better protection of the military wounded and sick who will find shelter there ; all military use will be excluded.

The Experts carefully examined the Committee's proposals on Safety Zones and Localities. Here again they ruled out the idea of *Zones*, but admitted the possibility of setting up Safety *Localities*, in the same conditions as for Hospital Localities, and made the following recommendation :

Commission III places on record the conclusions of Commission I with regard to Hospital Localities and recommends that the ICRC be invited to study the conditions under which similar protection could be afforded to civilians, and to submit proposals to this effect to Governments.

The Committee's Drafts.

In view of the dangers which developments in the methods of warfare implied for civilians, the ICRC continued its studies. Bearing in mind the conclusions of the 1947 Experts Conference, it tried to secure for non-combatants the maximum safeguards compatible with military requirements. With the support of the National Societies, it decided on the following proposals which were not afterwards changed :

- (a) Introduction into the Geneva Conventions of an Article recommending that States should arrange for the creation of places of refuge for certain categories expressly named ;
- (b) Adjunction to the Conventions of a Model Agreement which would define conditions on which Zones and Localities would be set up and operated.

In spite of the negative conclusions of the Experts Commission, the ICRC again took up the idea of *Zones*. To meet objections often raised, it was made clear that the *Zones* would cover a very minor part of the national territory.

Articles included in the Draft Conventions (Art. 18 in Convention I, Art. 12 in Convention IV), having defined the object of Zones and Localities, described the categories of persons who would be authorized to reside in them, namely :

- (1) in Hospital Zones and Localities : the wounded and sick and administrative and nursing staff ;
- (2) in Safety Zones : the infirm, old people, children under fifteen, expectant mothers, and mothers of children under seven.

As will be seen, these are the categories proposed by the Committee to the Experts Conference.

The draft agreements on Hospital and Safety Zones and Localities were substantially those adopted by the Diplomatic Conference. There were considerable innovations on previous drafts : military transit through the zones, which had previously been allowed, was now expressly forbidden. A new marking—oblique red stripes on a white ground—was proposed. The supervision attributed in the 1938 Draft to the Committee was given over to the Protecting Powers ; a Party refusing to obey the instructions the Control Commission might give thereby released the opposite side from its obligations. Enemy troops, while obliged to respect the Zone, could cross it without stopping if they had reached the outskirts.

The Palestine experience led the ICRC to propose an Article which offered the Powers the possibility of setting up Safety Zones and Localities of a new type. As shown above, the Zones in Jerusalem—like those in Madrid and Shanghai—did not conform to the previous legal conception. The theory had been to establish permanent Zones behind the front to shelter certain elements of the population from artillery and aerial bombardment. What actually happened was that places of refuge were set up provisionally in the actual fighting area and shelter given to all of the local population.

The Committee accordingly drafted an Article for insertion in the Fourth Convention, providing for “ Neutralized Zones ”,

open without distinction to the wounded and sick and to all non-combatants.

The 1948 and 1949 Conferences.

The XVIIth International Red Cross Conference in Stockholm, attended by delegates from the Committee and the League, National Societies, and Governments Parties to the Conventions, adopted with only minor changes the three new Articles proposed by the Committee.

The draft agreement on Hospital and Safety Zones and Localities, common to the First and Fourth Conventions, was adopted as it stood.

The texts adopted at Stockholm were submitted to the Diplomatic Conference which opened in Geneva on April 21, 1949. The Committee sent its "Remarks and Proposals" beforehand to the Governments invited.

The Diplomatic Conference split the draft agreement in two, the draft agreement on Hospital Zones and Localities becoming an Annex of the First Convention (Wounded and Sick), and the draft agreement on Hospital and Safety Zones and Localities becoming Annex I of the Fourth (Civilian) Convention.

V.

THE GENEVA CONVENTIONS OF AUGUST 12, 1949

The Diplomatic Conference provided for (a) Hospital and Safety Zones and (b) Neutralized Zones; we shall examine them separately.

It must, however, be remembered that the clauses in the Conventions concerning places of refuge are not binding. Urgent recommendations are made, but no formal obligation is imposed.

NEUTRALIZED ZONES

Article 15 of the Civilians Convention reads :

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction :

- (a) wounded and sick combatants or non-combatants ;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

Neutralized Zones are situated close to the actual front, their purpose being to provide shelter for anyone who is taking no part in the fighting or who is put out of action. Persons sheltered must take no part in any type of military work while in the Zone.

The precedents of Madrid, Shanghai, and Jerusalem—the only three examples of Zones which really worked, and lasted a reasonable time—thus become recognized practice.

Because of their location, Neutralized Zones are essentially provisional. The agreement under which they are set up will accordingly decide when and for how long they will come into being. They will no doubt often be established by the local military commanders, without recourse to diplomatic channels.

The Article is wide and general in scope ; it does not go into detail—which must depend on the military operations and the nature of the ground. Sometimes the solution will probably be more or less that of an open town, with the difference that there will be legal safeguards where the declaration of an open town has hitherto always been unilateral.

The first object is protection against fighting in the neighbourhood, although the Zones will naturally serve also against bombardment from the air, or by long-range artillery.

The provision is flexible and realistic ; it should prove effective.

HOSPITAL AND SAFETY ZONES

First Convention (*Wounded and Sick*)

Art. 23. — In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties to the conflict, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend good offices in order to facilitate the institution and recognition of these hospital zones and localities.

Fourth Convention (*Civilian*)

Art. 14. — In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effect of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

Both Conventions have Annexes—almost identical—which refer to the two above Articles. We shall deal with them later.

The Articles make an important distinction between *establishing* Zones and *recognizing* them.

The establishing of Zones can be planned in peacetime and take place equally well before or after hostilities begin. This idea was already contained in the Monaco Draft and has been retained since. Objections, however, have not been wanting.

A commentator on the 1936 Draft wrote: "It would not be possible in my country to designate Hospital Zones in peacetime. It is essential that Hospital Towns be situated away from military operations; in a small country they will be situated differently according to the way in which the war develops."

M. Gorgé, Switzerland, spoke at the 1938 Expert Commission of the "grave difficulty, not to say impossibility, of setting up Hospital Localities in peacetime".¹

The 1938 Draft took this difficulty into account by providing that each Contracting Party could communicate to the ICRC a list of Zones or Localities it proposed to set up in time of war; the list would at all times be at the disposal of the Contracting Parties. The 1949 Conventions went further by making it possible to set up the Zones in peacetime; the terms of Art. 4 of the 1938 Draft were in part reproduced in Art. 7 of the Draft Agreement.

The difficulties are real but not unsurmountable. The physical creation of refuge Zones is clearly possible in peacetime. If the strategic situation changes after war has broken out, alternative Zones could be put into operation as circumstances dictate. The only difference is that in peacetime organization is a material question; after war breaks out, legal sanction is necessary through the Agreements provided for in Paragraph 2.

The explicit reference shows the importance the Convention rightly attaches to making the preparations in peacetime. It is not during the confusion of the first days of a war that the difficulties in organizing, governing, feeding and checking the right of admission to a Zone can be dealt with. If detailed

¹ See *Revue internationale*, March 1939, p. 180.

arrangements are made beforehand, notification—so far as it corresponds to the conditions laid down in the Agreements—can be made during the first days of hostilities.

Draft agreements should obviously follow the general lines of those annexed to the Conventions which, although not binding, were drawn up and adopted as models by the experts of States Parties to the Conventions. The agreements would in such case be most likely to be accepted by the adverse Party—having already been accepted in principle by it as a signatory of the Conventions.

If it becomes necessary to apply the agreements on Zones, the drafts will probably need completing on several points not dealt with. But, particularly in relation to the obligations of contracting States, the annexes give very precise indications and are an essential auxiliary to the Convention.

Certain points may be noticed before we deal with the actual Agreements. Firstly, an Occupying Power may also set up Hospital and Safety Zones. It is clear from what took place during the War that it is precisely in occupied territory that Safety Zones would have been of the greatest benefit and have been most easily recognized by the adverse Party.

The Convention does not expressly mention the dangers against which the Zones will give protection, simply stating that they will be “so organized as to protect from the effect of war...”.

This is very general and needs some explanation. As the Zones are established well behind the lines, the reference is to the dangers of bombing from the air and by long-range artillery (including guided weapons such as flying bombs, and so on).

Naturally, provision is also made against the dangers resulting to protected persons from close-range fighting but the relevant Articles will probably be invoked only rarely, because the Zones are in principle distant from the fighting area.

* * *

We have seen above that the conditions stated in the Articles are not rigid. Neither is the classification of persons who may

be given shelter. The Zones actually referred to are reserved for certain categories, but others are not ruled out. The Articles provide for the following :

- (1) Hospital Zones for the military wounded and sick.
- (2) Hospital Zones for the civilian wounded and sick.
- (3) Hospital Zones open to both.
- (4) Safety Zones reserved for certain civilian categories.
- (5) Hospital and Safety Zones which, in addition to certain categories of civilians, also shelter (a) the military wounded and sick, or (b) the civilian wounded and sick, or (c) both military and civilian wounded and sick.

The freedom of action left to belligerents is thus wide. Article 14 of the Civilian Convention seems to have particularly in mind the formula "civil and military wounded and sick and certain civilian categories" but does not exclude others. There is in fact no reason why those setting up a Zone should not take their legal justification from the relevant Article in each of the Conventions.

According to the Draft Agreement annexed to the two Conventions, protection may also extend to Localities having the same purpose as the Zones. There is no real reason for making a formal distinction between Zones and Localities: Zones often include Localities and, geographically at least, several Localities taken together could form a Zone.

* * *

The establishment of Hospital and Safety Zones raises an important general problem. All the categories whom the Zones are there to shelter are already protected under one heading or another by international law, conventional or customary: the military wounded and sick by detailed provisions of the First Convention; civilians, traditionally entitled to immunity from the dangers of war as being in no sense "military objectives". It might therefore be claimed that Hospital or Safety Zones would help to diminish the general protection.

This argument does not hold water. A principal object of the Zones is to draw the enemy's attention to the presence in a given area of persons he is obliged to respect, and there is no justification for concluding that the same categories, outside the Zones, are any the less entitled to the protection accorded them.

The two Articles refer the actual establishment of Zones to the good offices of the Protecting Powers and the ICRC, and this is in conformity with the general spirit of the Conventions. Both are invited to lend their good offices because they can act spontaneously when they consider it necessary, and put forward practical proposals to the interested Governments.

DRAFT AGREEMENTS ANNEXED TO CONVENTIONS I AND IV

The Draft Agreements are almost identical and can be studied together.

Convention No. I.

Art. 1. — Hospital zones shall be strictly reserved for the persons named in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

Convention No. IV.

Art. 1. — Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949 and for the personnel entrusted with the organization and administration of these zones and localities, and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

These two Articles are important as they define the categories, differing according to the nature of the Zones, who may be given shelter, namely :

- (a) The military wounded and sick,
- (b) The civilian wounded and sick,
- (c) Certain elements of the civilian population.

Article 14 provides that the Zones may shelter the wounded and sick, aged persons, children under fifteen, expectant mothers, and mothers of children under seven.

Whatever the nature of the Zone, the organizing, administration and nursing personnel attached to it are also sheltered, as well as persons originally domiciled in the area. All persons admitted, provisionally or permanently, are in a condition of lowered physical or mental resistance, and it was for this reason that special protection was given them by the 1949 Conventions.

The text is not very precise about certain categories. It is not clear whether or not "aged persons" means persons over sixty years of age—the definition suggested by the 1949 Experts Conference; the figure is at least a useful indication.

What proportion of the total population is entitled to take shelter in a Zone? In default of a systematic study, we may take some Swiss figures as an example. The categories covered by Article 14 of the Civilian Convention represent the following percentages :

Children under fifteen	20.7%
Mothers of children under seven	6 %
Expectant mothers	0.3%
Aged persons (over 65)	10 %
	<hr/>
	37 %

Including the infirm, the wounded and sick, the total will certainly exceed 40% of the population. It would be impossible to include so large a proportion on "only a small part of the territory". This, however, is no necessary cause for alarm: people living in the country or far from the fighting area would not wish to leave their homes. It is nevertheless useful to keep these figures in mind, if only as an indication, should it become

necessary to arrange for the evacuation of a town and the feeding of the evacuees and the administrative staff.

The " personnel entrusted with the organization and administration " of the Zones should, we believe, be taken rather widely to include the police, services responsible for preventing the entry of unauthorized persons, fire brigades, and ARP staff.

The resident population has the same obligations as the others. The preliminary Monaco Draft authorized the return on leave to a Hospital Zone of military who had originally come from there. This permission does not seem excluded by the present texts, and might extend also to workers on leave from war industries.

Art. 2. — No persons residing, in whatever capacity, in a hospital zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

Art. 2. — No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

This Article is clear and requires little commentary. It applies naturally to all persons in the Zone, including permanent residents. Accordingly, a man ordinarily resident in a Safety Zone who takes up work in a war industry, must leave the Zone and live outside it.

All military personnel are naturally excluded, even if their work is in the neighbourhood—staff or administration officers for example.

The unfortunately vague expression " work... directly connected with military operations..." already had a counterpart in Article 31 of the 1929 Prisoners of War Convention and gave rise to many interpretations. There was the greatest difficulty in revising it in 1949. A slightly different formula was adopted in Article 50 of the Prisoners of War Convention, corresponding to Art. 31 in 1929. The new Article is to some extent an interpretation of the former, and authorizes the employment of prisoners of war in the following types of work :

- (a) agriculture ;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries ; public works and building operations which have no military character or purpose ;
- (c) transport and handling of stores which are not military in character or purpose ;
- (d) commercial business, and arts and crafts ;
- (e) domestic service ;
- (f) public utility services having no military character or purpose.

There is less difficulty about the expression " the production of war material ". The manufacture of arms is naturally excluded and of every object, product, utensil or apparatus which is intended uniquely for military use. But the division is not always possible : a truck, for example, could be applied equally well for civilian or military purposes.

Art. 2 is therefore not as comprehensive as might be desired, but points in doubt can be clarified by the States which put the Agreements into operation. The difficulties particularly concern the resident population, as most of the refugees in the Zone will probably not be in a condition to do manual work. It is therefore preferable that the resident population should be as sparse as possible ; we shall revert to this.

Art. 3. — The Power establishing a hospital zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

Art. 3. — The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

The obligation set out here follows naturally from Art. 1 ; a fairly large police force is required because, in certain circumstances, many unauthorized persons are likely to try to enter the Zones.

Art. 4. — Hospital zones shall fulfil the following conditions :

Art. 4. — Hospital and safety zones shall fulfil the following conditions :

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| <p>(a) They shall comprise only a small part of the territory governed by the Power which has established them.</p> <p>(b) They shall be thinly populated in relation to the possibilities of accommodation.</p> <p>(c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.</p> <p>(d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.</p> | <p>(a) They shall comprise only a small part of the territory governed by the Power which has established them.</p> <p>(b) They shall be thinly populated in relation to the possibilities of accommodation.</p> <p>(c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.</p> <p>(d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.</p> |
|---|---|

(a) This is self-evident. The very word Zones implies a restricted area and in any case it is unlikely that the adverse party would recognize excessively large Zones which could seriously hinder military operations.

(b) The object of Safety Zones is not to withdraw densely populated towns from danger; this can be better done by creating a Neutralized Zone if fighting approaches.

It would certainly appear difficult to find an area fulfilling the above conditions unless arrangements have been made at the proper time; a hydro with hotels and clinics might do. A sparse permanent population would avoid the need for transfers and expulsions—always a matter of difficulty.

(c) On the absence of military objectives depends the whole system of Zones. It cannot be over-emphasized that the Zones are not intended to give a new protection to categories already protected in international law: the wounded and sick, old persons, the infirm, women and children; as they do not take part in the war, they should not suffer its direct effects. The Zones are a means of underlining the fact that certain particularly vulnerable categories do not take part in hostilities, and of making their protection more effective. There is no intention

of in any way diminishing the effect of the Geneva and Hague Conventions, nor of the security of the same categories of persons outside recognized Zones. The principles governing their establishment are quite separate from those which assure protection to non-combatants and are not designed either to increase or weaken it. Countries which have made attacks on towns have never said that the civilian population was the objective but pretended that such action was forced on them against their will by the necessities of war. To protect civilians it is thus, as necessary to point to the absence of military objectives as to the presence of persons entitled to protection. The constitution of Zones does not in any way mean that the principle of the general immunity of non-combatants is abandoned; it, on the contrary, underlines the principle in particularly striking circumstances.

The Draft Agreement does not define a military objective as it might have done if there were objectives which it was legitimate to attack. The important point is that everything which, in the widest sense, could be taken as a military objective, should be excluded from the Zone and its neighbourhood, so that no obstacle could be raised on this ground to recognition of the Zones.

It is for this reason that Art. 4 also excludes "large industrial or administrative establishments"—which does not mean that these are to be taken as military objectives. Neither can communication routes serving the Zones be attacked when the Agreement provides that they shall not be used for military purposes.

No distance is laid down as constituting adequate separation of the Zone from such objectives and installations, the sole criterion being the practical security of the Zone. Much the same problem arises in peacetime when boundaries are fixed during artillery exercises.

(d) This fourth condition gives the Army Command an almost impossible task. In general, the enemy will keep his secrets as long as he can, so that only the probable movements of the home Army are known.

Nevertheless, there are in most countries areas which their configuration and history show to be potentially suitable as Zones. It will be noted that the words "according to every probability" are included. If, contrary to expectation, a designated Zone acquires military importance, it is reasonable that the enemy should be entitled to withdraw his recognition after giving due notice.

Art. 5. — Hospital zones shall be subject to the following obligations:

- (a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

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- (a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

(a) Following the Monaco Draft, the 1938 Draft expressly allowed military convoys to pass in transit through the Zones. At the 1938 Expert Commission, the French, German and Italian Delegations proposed the deletion of this clause, arguing that a convoy could be blocked by military operations, with all the consequent accusations of abuse and even hindrance to the proper working of the Zone. The French Delegation also pointed out that transit presupposed the possibility of a stop in the area, and that such delay could give rise to questions as to its length or strategic utility. The Committee's draft accordingly excluded such possibility entirely.

The same Delegations put forward objections to the transit—in case of evacuation for example—of civilian convoys. Later Conferences did not feel it necessary to take up this point, which does not appear to need special examination.

The 1949 Diplomatic Conference replaced the expression "lines of communication and transport" by the wider "lines of communication and means of transport".

The existence and utilization of an aerodrome are not forbidden, provided it is reserved exclusively for the needs of the Zone.

The conditions stated must inevitably influence the choice of location. Zones will be set up in areas not served by main highways, either rail or road; otherwise the State will risk compromising its whole communication system and the very life of the country.

(b) If Art. 11 of the Draft Agreement provides that "In no circumstances may hospital and safety zones be the object of attack", it may be asked if it was necessary to state that "they shall in no case be defended by military means". The operative word is "military". The Zones may be defended against certain dangers, and may, for example, have sufficient police to ensure order and to prevent the entry of irresponsible groups, whether or not they belong to the enemy. The police could arrest enemy parachutists who land by error in the Zone. The prohibition of military defence thus excludes only a systematic military defence, or network of fortifications. Anti-aircraft artillery is excluded, but not the employment of ARP personnel. There could be air raid shelters and a system of alerts.

Neither the Conventions nor the Agreements mention flying over the Zones, and in the absence of special clauses, it is to be presumed that such flight either by home or enemy aircraft is lawful.

A more important point is that no resistance may be opposed to enemy troops who penetrate to the limits of the Zone; they would be entitled to assume at least the control of the Zone, but not to modify its organization.

Art. 6. — Hospital zones shall be marked by means of red crosses (red crescents, red lions and suns) on a white background placed on the outer precincts and on the buildings.

Art. 6. — Hospital and safety zones shall be marked by means of oblique red bands on a white ground placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red

Cross (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similarly marked at night by means of appropriate illumination.

They may be similarly marked at night by means of appropriate illumination.

The Monaco Draft provided that the Red Cross emblem shall mark the exits of the locality.

The 1938 Draft intended that the limits of Hospital Zones and Localities should be visibly designated in daylight by the emblem of the Convention. In the documentation it prepared for the Government Experts Conference in 1947, the Committee asked that Safety Zones and Localities should be designated by an emblem to be agreed upon.

In the draft agreements it submitted to the Stockholm Conference, the Committee dropped the idea of using the Convention emblem so that it should not be used in relation to ordinary civilians, and recommended a new sign—oblique red bands on a white ground; Zones reserved for the wounded and sick would continue to use the Red Cross sign. These suggestions were adopted in 1949.

Thus no new sign was adopted for what are called Hospital Zones, sheltering only the wounded and sick. We have seen that all the elements which make up a Hospital Zone are entitled, subject to Government authorization, to use the sign of the Convention. Use of the emblem therefore continues to be expressly regulated by the Convention, and the use can not be modified by special agreement. The fact that there is a resident population called for the formal agreement of the interested parties.

Safety Zones and Localities, on the other hand, have their own particular sign: oblique red bands on a white ground. The number of bands is not laid down. It might be useful, in practice, to decide what exactly the design should be and how it should be used, although protection is assured not by the sign alone but by notification. The same emblem has, incidentally, been adopted also by the *Association internationale des Lieux de Genève*.

The first paragraph of Art. 6 makes the marking of Zones obligatory, but night lighting is optional. There are obvious dangers in the absence or insufficiency of night lighting. But at the same time, it is almost impossible for a country at war to permit illumination of this sort without providing enemy aircraft with landmarks.

Art. 7. — The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly constituted.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

This Article seems out of place because its first Paragraph refers to the situation which precedes the actual Agreement and the Article should thus be in the Conventions themselves. In any case, the contents are most important and give useful indications to States wishing to establish Zones. There is no reason why States should not put the Agreements into effect even before constituting Zones.

Art. 8. — Any Power having recognized one or several hospital zones instituted by the adverse

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Art. 8. — Any Power having recognized one or several hospital and safety zones instituted by

Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, the members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

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It is natural that a belligerent who recognizes Zones established by the enemy should be entitled to assure himself that the obligations, especially those resulting from Arts. 4 and 5, have been fulfilled.

The drafts submitted to the Diplomatic Conference provided for supervision by the Protecting Power representing the State which had recognized the Zone. This had the advantage of using an agency already operating in the territory. The proposal was not accepted by the Conference, which considered that Protecting Powers already had too much to do. Special Commissions are accordingly designated.

The composition of these Commissions is not indicated, nor is it said by whom the members are nominated. These are further details to be agreed upon. Most likely the members would be neutrals acceptable to both sides. There may be difficulties, but it seems most likely that persons from the Protecting Powers or other neutral States would in general be selected.

Members of Special Commissions have free access at all times to the Zones and may even reside there permanently.

No mention is made of the qualities or qualifications the members must have. As the primary object is to supervise military obligations, it seems likely that officers, such as the military attachés of the Protecting Powers or neutrals, will be called upon. In the case of Hospital Zones, there would be an obvious advantage in nominating doctors.

Art. 9. — Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

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If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

The role of the Special Commissions is therefore to ensure that the Zones conform to the Conventions and to obligations resulting from the Agreements. Should they note any facts which they consider contrary to the stipulations, they must

- (a) immediately bring such facts to the attention of the Power responsible for the said Zone ;
- (b) notify the Power which has recognized the Zone.

Their responsibility thus consists in finding out if the conditions under which the Zone was set up have been observed, not to decide whether there has been breaches of the stipulation by the adverse party. It would appear that the non-utilization of the Zone or Locality for the objects contemplated in the Agreement would in itself justify the intervention of the Special Commission.¹

¹ " It is inadmissible that a more or less extensive tract of territory should be made immune for medical purposes when, although there is no breach of the stipulations excluding military usage, the Zone is not used for the purpose of treating the wounded and sick. There is no sufficient reason for the protection and restrictions which the medical designation opposes to military action, if the town is not, or is no longer actually used for medical purposes." R. Clemens, *The Monaco Draft*.

The Commissions are not concerned with violations of the neutrality of the Zone by the adverse party. The Draft Agreement might be completed at this point by reference to the Articles of the Conventions dealing with inquiry procedure in case of breaches (I, 52, and IV, 149). This was done in the 1938 Draft, where Art. 10 contained a reference to Art. 30 of the 1929 Convention.

* * *

If, when the time limit of five days has expired, the Power responsible for the Zone has not complied with the warning, the adverse party may declare that it is no longer bound by the agreement in regard to the Zone in question.

The 1938 Draft stipulated prior representation to the constituting State, and if this was not successful, the Commission could resign. The text presented at Stockholm was accepted by the Diplomatic Conference, except that the words "Special Commission" were substituted for "Protecting Powers".

Paragraph 2 implies that the Special Commission, once the five-day time limit has expired, shall inform the adverse party, which, only then, is entitled to declare itself no longer bound by the agreement in regard to the Zone in question.

Such declaration will end the privileged status of the Zone, but not deprive the persons and goods in it of protection. The wounded and sick, and medical units, establishments, staff and material remain under the safeguard of the Conventions; the civilian population is entitled to the general immunity given it by international law.

The Conventions expressly provide (I, 6; IV, 7) that no special Agreement may adversely affect the situation of protected persons or restrict the rights it confers upon them. Art. 9 of the Draft Agreement could therefore not be interpreted in a sense which would deprive persons and buildings in the Zone of the protection given them by the Conventions independently of the Agreement. The protection accorded hospitals, especially, is governed by Art. 21 of the First and Art. 19 of the Fourth Convention.

Art. 10. — Any Power setting up one or more hospital zones and localities, and the adverse parties to whom their existence has been notified, shall nominate or have nominated by neutral Powers, the persons who shall be members of the Special Commissions mentioned in Articles 8 and 9.¹

Art. 10. — Any Power setting up one or more hospital and safety zones, and the adverse parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.¹

We saw above that there is no provision for the designation of members of the Commissions either in the Conventions or the Draft Agreements. Art. 10 gives general indications which would have to be worked out in detail by the belligerents.

The Monaco Draft proposed that the members should be designated by an authority stipulated (The Permanent Court of International Justice or a specially constituted international agency), and be accepted by the interested Government. The draft presented to the XVIth International Red Cross Conference in London in 1938 distinguished two different Commissions :

- (a) a Commission of neutrals designated by the Protecting Powers and accepted by the belligerents, which had to be in operation as soon as the Hospital Zones were in actual use ;
- (b) an International Inquiry Commission, of neutral members, set up in peacetime and called upon to intervene at the request of a belligerent or a Special Commission.

The 1938 Draft did not accept this recommendation and proposed a single Control Commission per country of three neutral members designated by the ICRC and accepted by the interested State.

¹ The different wording in the drafts is probably due to an error of transcription. The wording in the second: "or have nominated by the Protecting Powers or by other neutral Powers" is preferable to the "have nominated by neutral Powers" of the first.

The Draft proposed at Stockholm in 1948 suggested supervision of the Zones by the Protecting Powers at the request of the adverse party.

Art. 11. — In no circumstances may hospital zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

Art. 11. — In no circumstances may hospital and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

As a natural consequence of their being declared neutral, the Zones and Localities must not be attacked. There is also a positive obligation: "they shall be protected and respected at all times by the Parties to the conflict".

The terms *protected* and *respected* are used deliberately throughout the Conventions (I, 12, 19, 24, and 35 ; IV, 16, 17, 18, and 20). The 1938 Draft referred expressly to the Convention: "They shall be respected and protected, in conformity with Article 8 of the Geneva Convention of July 27, 1929." There is a traditional sense attached which creates positive obligations of wider implication than a mere prohibition of attack.¹ "Protection" covers the feeding of the Zones and might include the means of access to them. In case of occupation, the enemy State is responsible for persons residing in the Zone—a duty from which the constituting State is not exempted.

The corresponding Article of the Draft presented at Stockholm had a second paragraph providing that enemy troops who reached the outskirts of the Zone could cross it without stopping. This provision was dropped.

Art. 12. — In case of occupation of a territory, the hospital zones therein shall continue to be respected and utilized as such.

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¹ See *Analysis for the use of National Red Cross Societies*, ICRC, Geneva, 1950, Vol. I, p. 5.

Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

The occupying State is obliged to respect the Zones and Localities and to use them as such. This obligation is new. Under the 1938 Draft the Zone continued unless the Occupying Power gave notice to the contrary, or the other Party objected. The first mention of an obligation was in the ICRC drafts to the 1947 Experts Conference and it remained, being adopted in 1949.

The Occupying Power may, however, modify the *purpose* of the Zones. In the sense of the Article, the reference is to persons admitted to live in the Zone. (In the Monaco Draft the French text used *affectation*—the word also used in the 1949 text—to cover the use to which the Hospital Town was put.) It would thus be possible to admit persons belonging to another category stated in the Agreement, suitable arrangements having been made for those already there. The resident population could not be removed. The Occupying Power would be free to place its own wounded in the Zone after making suitable arrangements for the wounded and sick already there.

The Draft does not say when the Zones and Localities are to end. The prevailing opinion seems to be that this is a question for the constituting State to decide. As the obligations on the constituting State are at the same time safeguards for the adversary, it would appear desirable that the conditions should be stated, or that a certain duration be specified which could, if necessary, be extended.

Art. 13. — The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital zones.

Art. 13. — The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

We have already seen that all provisions in the Agreement are equally valid for Localities and Zones, between which there is no essential difference; the remarks made above in respect to Zones apply equally to both.

CONCLUSIONS

Such are the regulations to govern Hospital and Safety Zones and Localities which were adopted in the 1949 Conventions and the annexed Draft Agreements. Expert Conferences drew up Articles and Drafts. Private agencies in various countries tried, on their side, to secure the creation of places of refuge for civilians which would be organized in time of peace.

Amongst these bodies may be mentioned the *Association internationale des Lieux de Genève* set up on the initiative of General Saint-Paul in 1929. It has since worked actively for the creation of Safety Zones; it is a private body, wholly independent of the ICRC, which, however, remains in close co-operation with it.

The Association has recently made further proposals of an entirely different type, recommending each country to take practical measures to evacuate and disperse the non-combatant population in wooded and mountainous areas where places of refuge would be organized beforehand.

Such measures have more in common with civil defence by the State than with the protection advocated by the ICRC in the Conventions.

* * *

It is now for the States party to the 1949 Conventions to consider how Zones and Localities, as defined, can be set up. The Committee is expressly invited, with the Protecting Powers, to lend its good offices to facilitate the establishment and recognition of such Zones. In practice, this is primarily a national question which depends on States; they can count on the help of private agencies, including that of the National Red Cross Societies.

The International Committee is willing to do all it can to help on this work, to provide States and Societies with documentation which could be of use to them, and to help in ensuring uniformity in the measures which will be necessary to set up Hospital and Safety Zones and Localities.

LUCIE ODIER

Member of the International Committee of the Red Cross.

*THE PROTECTION OF CIVILIAN HOSPITALS
AND THEIR STAFF IN TIME OF WAR*

I. INTRODUCTION

In time of war the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons confers rights, and imposes duties, on the Managements of civilian hospitals and on all the members of their medical and administrative staff. An attempt is here made to define in very succinct and easily accessible form the essential elements of these rights and duties. For more complete information on the subject the Managements of civilian hospitals and all the members of their staff are urged to study the provisions of the Fourth Geneva Convention, and in particular Articles 13 to 26 of that instrument. Reference may also be made to the Analysis of the Geneva Conventions of 12 August 1949, compiled by the ICRC for the use of National Red Cross Societies, Geneva 1950, Vol. II, pages 89-96.

It is part of the duty of the Managements of civilian hospitals to see that all the members of their staff are acquainted with the provisions of the Fourth Geneva Convention which concern them. It is equally indispensable that the staff should be instructed in the law of their country on the subject. In time of war the State generally issues special regulations relating to the national defence, and these regulations define the attitude to be adopted by the inhabitants of the country in relation to the enemy. Breaches of this legislation may involve severe penalties. It is important therefore that there should be no ignorance on the subject.

In certain countries the authorities have made provision for the automatic requisition of civilian hospitals in time of war, and their transfer to military management under military responsibility. Where this is the case, the civilian hospitals are on the same footing as the establishments of the Army Medical Service, and all their staff are subject to military discipline. As a result these establishments no longer enjoy the protection of the Fourth Convention, but come under the provisions of the First Convention, provided always that they are actually used to receive military wounded as well as civilian sick persons. The rules to be observed by them are summarised in a booklet prepared for their use by the ICRC with the title "Some Advice to Nurses and other Members of the Medical Services of the Armed Forces".

II. GENERAL PROTECTION OF CIVILIAN HOSPITALS AND THEIR STAFF

Before proceeding to consider the provisions of the Fourth Convention on the subject of the protection of civilian hospitals, it is as well to point out that the duty of belligerents to respect civilian hospitals is based on a principle of international law, which is of long standing; and the provisions of the Fourth Convention on this point merely confirm earlier treaty obligations¹. Such further special provisions as the Fourth Convention contains in favour of civilian hospitals and of their staff, and of their sick and wounded patients, do no more than strengthen this principle of international law and render its application more easy.

Moreover hospital staff, like the patients, are civilians; and as such they are entitled to the general protection which the Fourth Geneva Convention confers on the civilian population, especially in occupied territory. It was thought necessary to give them additional protection in virtue of their functions or their state of health. But they have all the rights of civilians.

¹ See Annex to the Hague Convention of 18 October 1907, Sections II and III.

III. SPECIAL PROTECTION OF CIVILIAN HOSPITALS

The Convention begins by laying down a general rule that the wounded and sick as well as the infirm, and expectant mothers, are to be the object of particular protection and respect (Article 16, paragraph 1), and that in time of war civilian hospitals organised to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but are at all times to be respected and protected (Article 18, paragraph 1).

(a) *Recognition*

In order to benefit by the special protection which the Convention accords, a civilian hospital must have been recognised as such by the State. This recognition is to be certified by a document signed by the competent authority, showing that the establishment is in fact a civilian hospital, and has no purpose other than humanitarian (Article 18, paragraph 2).

In time of war the management of the hospital must always be in possession of this official document. It is indeed highly desirable that the hospital should receive the document in peace time, or should at least take the necessary preliminary steps to enable it to obtain the document without delay on the outbreak of hostilities.

(b) *Marking*

The Management of the hospital must ask the State to authorize the marking of the hospital buildings by means of the emblem of the red cross on a white field or red crescent or red lion and sun in certain countries (Article 18, paragraph 3).

The authorization to display the red cross emblem in time of war is not automatically given to all recognized civilian establishments. The competent Ministry of the State concerned is the sole judge in the matter; and it alone decides whether it is, or is not, desirable for the emblem to appear on a particular civilian hospital.

The emblems are to be of large size, and all necessary steps are to be taken to render them clearly visible to the land, air and naval forces. Their illumination at night time will depend on the general measures taken by the authorities. Further, in view of the dangers to which civilian hospitals may be exposed by being close to military objectives such as arms or munition depots, the managements of the hospitals are to see in agreement with the authorities that such military objectives are as far as possible at a distance from the hospitals (Article 18, paragraphs 4 and 5).

(c) *Cessation of Protection*

It is because of their purely humanitarian work of public utility that civilian hospitals have special protection in time of war. They may not in any circumstances serve military purposes, or act as cover for "acts harmful to the enemy". Espionage, for example, or observation of the movement of troops, aircraft or ships for the purpose of informing the armies of their country cannot possibly be tolerated. No able-bodied combatant may be sheltered or concealed in them, and any warehousing of arms or munitions is prohibited. If these rules are not strictly observed, the safety of the wounded and sick is liable to be compromised, for the enemy would in such case no longer be under obligation to respect the hospital. However the protection is not to cease until after due warning has been given, naming a reasonable time limit, and after such warning has remained unheeded (Article 19, paragraph 1).

The Convention provides however that civilian hospitals may receive and nurse military wounded or sick personnel, just as military establishments may extend their activities to civilians. When however a civilian hospital receives army wounded or sick, the management must see that the arms and munitions surrendered by such military personnel are forwarded without delay to the competent services of the army concerned. But the fact of such arms or munitions not having yet been handed to the competent services cannot be cited by the enemy as a pretext for ceasing to respect the civilian hospital (Article 19, paragraph 2).

(d) *Medical Transports and Use of the Emblem*

It has also to be noted that the transports of civilian wounded and sick, infirm persons and maternity cases, which take place on land by convoys of vehicles or hospital trains, or at sea by specially provided transport ships, are to be respected and protected in the same way as civilian hospitals. If authorized by the State, they may be marked and display the emblem of the red cross or red crescent or red lion and sun (Article 21). On the other hand, the Convention does not permit the emblem to be displayed in time of war on motor-ambulances or other vehicles proceeding singly to search for or return civilian wounded or sick. Similarly, civilian doctors or members of medical or administrative staff are not entitled in time of war to place the red cross sign on their personal cars or on the vehicles of which they make use in proceeding to their work.

IV. SPECIAL PROTECTION OF STAFF IN ZONES OF MILITARY OPERATIONS AND IN OCCUPIED TERRITORY

The protection, which the Fourth Convention confers on recognized civilian hospitals, is also accorded under certain conditions to the members of their staff, who in such case are respected and protected. The Convention distinguishes in this connection between permanent staff regularly engaged on the work of the hospital and purely temporary staff.

(a) *Permanent Staff*

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of wounded and sick, the infirm and maternity cases are to be respected and protected (Article 20, paragraph 1).

In zones of military operations and in occupied territory the permanent staff is to be recognisable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority.

They are also, while carrying out their duties, to wear an armlet on the left arm, stamped by the competent authority and water-resistant, with the emblem of the red cross, or red crescent, or red lion and sun on it (Article 20, paragraph 2).

(b) *Temporary Staff*

Persons not working permanently at a hospital, but employed there for temporary or occasional purposes, are also to be entitled to the special respect and protection of the Convention, while employed on their duties at the civilian hospital. The identity cards are to state, in addition to the civil status of the holder, the duties on which he is employed at the hospital. The armlet with the emblem, delivered and stamped by the State may not be worn by him except during his performance of his hospital duties (Article 20, paragraph 3).

The Geneva Conventions in their anxiety to preserve the full protective value of the red cross emblem, have limited its use very strictly. It is reserved more especially for the use of members of the medical personnel of the armed forces, who in virtue of their military character might be attacked, if they were not marked by the red cross emblem, whereas the members of the medical personnel of civilian hospitals, whether permanent or temporary, have to be protected and respected independently of the emblem for the mere reason that they are civilians. As any abuse of the emblem involves the risk of reducing its protective value to nothing, it is urgently necessary that the Managements of civilian hospitals should exercise strict and constant supervision to prevent the red cross being used for purposes not authorised by the Convention, or its use by persons not entitled to do so.

(c) *List of Medical Personnel*

The Management of each hospital is required regularly to keep an up-to-date list of all its staff, including temporary as well as permanent members, and specifying the duties of each. The list is to be put at the disposal of the competent national or occupying authorities on demand (Article 20, paragraph 3).

V. FUNCTIONS OF CIVILIAN HOSPITALS IN OCCUPIED TERRITORY

(a) *Duties of Medical Personnel*

If the territory, on which the civilian hospitals are situated, is occupied by the enemy, the Management and staff of the civilian hospital will in general remain on the spot and continue their work. The Fourth Convention lays down in this connection that the medical personnel of all categories is to be allowed by the Occupying Power to carry out their duties (Article 56, paragraph 1).

(b) *Obligation of the Occupying Power*

The Occupying Power is under obligation to the fullest extent of the means available to it to ensure, with the cooperation of national and local authorities, the efficient operation of the medical and hospital establishments and services intended for the civilian population. The Occupying Power has further to maintain the Public Health and Hygiene Services, and to take the necessary prophylactic and preventive measures to combat the spread of contagious diseases and epidemics (Article 56, paragraph 1).

In addition the Occupying Power has the duty of ensuring the food and medical supplies of the population, and is to import them, if the resources of the occupied country are inadequate (Article 55, paragraph 1). The Occupying Power is further bound to agree to relief schemes on behalf of the civilian population (Article 59, paragraph 1).

(c) *Establishment of new hospitals*

In the event of the establishment of new hospitals being necessary in occupied territory, the Convention provides that the official recognition of the new hospitals, their staff and transport vehicles may fall on the Occupying Authorities, if the competent organs of the Occupied State are no longer functioning (Article 56, paragraph 2).

(d) *Requisition*

In cases of urgent necessity, the Occupying Power may requisition civilian hospitals temporarily for the care of military

wounded and sick, but only after suitable arrangements have been made in due time for the care and treatment of the patients and the needs of the civilian population. Further, the material and stores of civilian hospitals may not be requisitioned so long as they are necessary for the needs of the population (Article 57, paragraph 2). Moreover, such requisitions may only take place for use by the Occupation Forces and administration personnel, and in such a case the Occupying Power is to take the necessary steps to ensure that fair value is paid for any requisitioned goods (Article 55, paragraph 2).

(e) *Recourse to the Protecting Power*

In conclusion it may be pointed out that the Convention specifically states that all the inhabitants of an occupied territory and *a fortiori* the Management and staff of civilian hospitals and all patients therein, are at all times to be treated with humanity by the Occupying Power and in particular protected against any acts of violence or intimidation. The Convention provides that protected persons are entitled in all circumstances to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs (Article 27). In occupied territory, the Managements of civilian hospitals have to see that the clauses of the Convention are strictly observed by all in their establishments. It may happen that a hospital is completely isolated and temporarily cut off from all relations with its national authorities. In such a case heavy responsibilities will devolve on the Management. If it is faced with difficulties which paralyse the operation of the hospital, or if a disagreement arises between it and the Occupying Power on the subject of the application or interpretation of the clauses of the Convention, it has the right to apply freely to the Protecting Power, whose duty it is to safeguard its interests (Article 9). In default of the Protecting Power, it may also apply for intervention to the International Committee of the Red Cross (Article 11, paragraph 3).

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRINCIPAL ITEMS OF INTEREST

Greece. — The Delegation of the ICRC at Athens has continued its visits to Camps, especially to the Exiles Camp of St Eustace (Aghios Efstratios) on July 8 and 18, where more than 4 tons of relief supplies to a value of Swiss Fr. 30,500 were distributed. This relief lot, which came from a number of different donors, comprised clothing, footwear, materials, two sewing machines, foodstuffs, soap, DDT powder, sanitary material and medicaments. Shortly after this visit the Delegation sent this Camp a consignment of 500 kg. from Athens, consisting largely of leather for the Camp cobblers. (See "Refugees".)

Reunion of families. — 85 Volksdeutsche, formerly soldiers, arrived in Vienna from Roumania on July 16. A previous convoy from Roumania of 95 former soldiers had made their way to Friedland Camp in April.

Refugees. — The close-down of the IRO has led to a notable increase in the applications to the ICRC received from refugees. In order to be in a position to give these people accurate information as to existing possibilities of assistance, and to guide them in respect of the steps they should take, the ICRC has made enquiries of the Office of the United Nations High Commissioner for Refugees and of the Migrations Committee (formerly the *Comité intergouvernemental provisoire pour les mouvements migratoires d'Europe*) as to the respective powers of these two bodies.

In Spain the ICRC Delegate is concerned principally with the emigration of certain refugees previously assisted by the IRO, which had arranged for their transfer overseas before itself closing down. The ICRC Delegate is also concerned with foreign refugees in prison. He is constantly active in

attempts to give effect to the large number of applications he receives from refugees, who want permits to live in Spain, work permits, medical care, travel documents 10,100 bis, or visas for countries to which they hope to go.

In Greece the ICRC Delegation has given relief to 70 Albanian refugees from the Syra and Lavrion Camps. Each refugee received an assortment of new clothes, including a coat, a pair of trousers and a pair of shoes, as well as soap.

In Trieste 17,000 packets of cigarettes, offered by a Swiss firm, have been distributed to displaced persons through the agency of the ICRC.

Further, the Social Service of the Venezuela Red Cross and the ICRC Delegate in Caracas are actively engaged in finding work for refugees, facilitating their settlement and solving the many and manifold problems with which they are continually confronted. There is a law, which limits the number of foreign workers in any undertaking to 25% ; and many refugees, who have been authorised to enter Venezuela by the Immigration Committees of this country, are thereby reduced to unemployment.

India. — A second consignment of medicaments for the victims of the famine, which is now raging in Madras and Central India, has just been dispatched from Geneva to the Indian Red Cross. This consignment, worth Swiss Francs 9,500, is a gift of the ICRC.

Indochina. — At the beginning of July, the ICRC delegate to Vietnam, Mr. A. Durand, visited several prison camps. The numbers of these camps were 40, 41, 61 and 61A.

Indonesia. — Mr. J. Munier, who has been representing the ICRC for three months in Indonesia, has on several occasions visited hospital establishments set up by the Indonesian Red Cross, including recently two polyclinics and a blood bank which are run by the Djakarta section.

Korea. — We stated last month that the United Nations Forces High Command had temporarily withdrawn from the

ICRC delegates the authorisation to visit certain camps in Southern Korea for reasons of personal security. This measure has been cancelled, and on July 6 the ICRC representatives resumed visits to these camps. A delegate will stay for about a month in Koje island.

Between the beginning of April and the end of July the Central Prisoners of War Agency received official communication of the names of 9469 North Korean military personnel and Chinese volunteers, prisoners of the United Nations forces, and of 1699 deceased military personnel of the same nationalities. In accordance with the normal procedure, it forwarded this information to the authorities of the Power in whose armies these prisoners served. A certain number of requests for news concerning captured military personnel of the United Nations forces were also sent to these authorities. Information relative to Chinese volunteers and requests for news have on the other hand been brought to the notice of the Chinese Red Cross.

The Central Prisoners of War Agency. — It is a frequent occurrence for Governments or official organisations concerned with the tracing of missing persons to apply to the Central Prisoners of War Agency in Geneva for the purpose of throwing light on cases where their own records have no particulars, or merely of ascertaining whether the information in their possession is exact. For instance, before issuing an attestation concerning a missing person, the Italian Government regularly requests the Agency services to make all relevant search in its files.

It is common knowledge that nearly all the information on record in Geneva was communicated in the past ^{by} ~~by~~ the Governments concerned who made use of it to set up their own files. Nevertheless the Agency's card indexes are today still considered to be the most accurate and complete instrument for tracing purposes. This is mainly due to the fact that circumstances in the war sometimes prevented the transmission of particular information by the International Committee of the Red Cross, as also to the fact that archives were dispersed, and sometimes destroyed, by bombing.

The Government of the German Federal Republic recently handed the Agency a list of 4,507 cases not yet cleared up. The list concerned on the one hand 992 German military personnel reported missing on the Western front, and on the other hand 3,515 former German prisoners of war in Allied hands who could not be traced. A systematic checking by the Agency's German Section brought new information to light. It should however be noted that in such enquiries a positive result does not necessarily mean that the persons sought are still alive although in this particular instance the proportion of deaths was not on the whole large. A positive result covers any number of contingencies such as escape, liberation, change to civilian work as well as death, including information to be added to that already on record.

In the case of missing military personnel the percentage of positive results could not be very high. It varied, according to the countries where the parties were presumed to have disappeared, between 0.33 and 3 per cent.

On the other hand, for all cases notified as prisoners the positive results were much greater. The average percentage was 20, varying according to the country of captivity between 3 and 40 per cent.

This particular test is worthy of mention as it proves that seven years after the close of hostilities the Agency is still able, in addition to its current work, to make useful contribution towards clearing up cases relating to past events.

CHRONICLE

THE ORIGINS OF HUMANITARIAN LAW

The Convention signed at Geneva in 1864 was the first to confer upon the Red Cross a status in law; it also introduced into positive International Law the great and humane principle that the wounded combatant must be respected and cared for on the same terms, whether friend or enemy.

From this point onwards began the development which led to the present Geneva Conventions and certain provisions of the Hague Conventions. The principle was applied originally to the wounded only; it has gradually been extended to other categories of war victims - to the shipwrecked, to prisoners of war, and now at last, to civilians.

It would not be true to say that there had previously been no examples of respect for humane principles. The Conventions, however, have the great merit of having transformed into positive International Law rules that had previously left a dangerous discretion with the relevant authorities in applying the laws of war, since their application depended on religious and moral conceptions alone.

Humanitarian law, originating in the same idea as the Red Cross which is its symbol, forms a necessary corollary to respect for the individual and his dignity as such, particularly in time of war, when the ordinary rules of law are superseded.

The historical background of the principles and practices embodied in the Geneva Conventions and the provisions deriving therefrom are important for an understanding of the text; it illustrates their underlying philosophy and shows that these concepts are common to humanity.

The principle behind the Red Cross is universal, as is the law to which it has given rise. It is an element in all religious and moral systems and, to the rationalist mind, corresponds to man's own idea of his value as an individual.

We propose, in a series of papers, to dwell on the universal aspect of this body of law, whilst outlining the principal stages along which it has developed.

I

HUMANITARIAN IDEAS AND ROMAN LAW

The greatness of Rome rested on war.

In the seven hundred years which elapsed from the foundation of the city until Rome had given the world peace under its dominion, the doors of the temple of Janus—always kept open in wartime—were only closed twice.

Nevertheless, the law of Rome finally brought a peace which lasted several centuries ; about the ensuing benefits historians are for once agreed.

We shall first attempt to define the essentials of Roman law and trace their connection with the principles of humanitarian law. Strict and inflexible in the early centuries and during the period of conquest, Roman law gradually mellowed under the influence, first of Greek philosophy, and later of Christianity. It remained closed, however, to the idea of human brotherhood and equality between men, which was the prerequisite of International Law as we now understand it.

I. — ROME AND WAR

Exclusion of the Alien

In Rome, only citizens possessed any rights at law ; the alien had none. This being so in peacetime, the exclusion was even more rigorous in time of war.¹ There can be no recognition that an enemy may be just or unjust ; Mucius Scaevola regarded

¹ See REVON : *Le droit de la guerre sous la République romaine*, pp. 38 et seq.

even the murder of an alien enemy as praiseworthy. This principle, incidentally, was also held in the Greek cities. In peacetime, Phoebidas, the Lacedaemonian, took an enemy fortress by assault. Agesilaus, when asked for his opinion, replied: "Consider if it is useful; any action is laudable that serves one's country."

For the early Romans, every alien was an enemy. Cicero said: "He whom we now call a stranger (*peregrinus*)¹, our ancestors held to be an enemy (*hostis*)." This being so, we can gauge the narrow harshness of the Twelve Tables, which provided: *Adversus hostem aeterna auctoritas esto*. "Let everything be permissible against an enemy"—and that, in fact, meant against a foreigner. Need we feel surprised that Valerius Corvus was looked upon as a hero for his easy victory over a giant Gaul whose eyes had been pecked out by a crow? Fair play towards barbarians was unknown.

In the second century A.D., *hostis* was defined by jurists as meaning *enemy*, properly so-called—i.e. one of the enemy in time of war—but other foreigners (*coeteri*) were treated no better; according to the most authoritative teaching of the time, they were looked upon as "thieves", or "brigands".²

Victory thus justified the worst forms of excess.

No distinction was made between belligerent and non-belligerent. Old people, women, and children were treated as were the warriors themselves: one and all were liable to massacre.

Macrobius gives the wording of a curse used by the Romans before battle: "Ye Gods! spread dismay, terror and calamity amongst our enemies! May their men and all who dwell in their lands and cities, be deprived of the light of the sun!

¹ CICERO: *De Officiis* I, II. We should not overlook the kinship between "hostis" and "hôte" in French, and with the less closely related "guest" in English ("Gast" in German), with a totally different meaning. The original sense of *hostis* survives in derivatives such as: "hostile" and "hostilities".

² POMPONIUS: *Hostes hi sunt qui nobis, aut quibus nos publice bellum decrevimus; coeteri aut latrones, aut praedones sunt*. L. 118, Dig. *De verb. signif.*, 50, 16.

Cf. ULPIAN, L. 24. Dig. *De captivis*, 49, 15.

May this city, and their fields, heads and bodies be dedicated to you.' Livy quotes a similar form of words. Tarquin, addressing the delegates from the vanquished Sabines, asked: "Are you the deputies and spokesmen of the Collatine¹ people? for your own surrender and that of your people?" — "We are." — "Do you deliver yourselves, you and all the Collatine people, your town, land and waters, your terminal gods and temples, your goods and all things divine and human into my hands and those of the Roman people?" — "We do" — "If so, I accept you."

The vanquished were thus stripped of everything—religion, family and property; Rome seized all. If, as an act of grace, the prisoners' lives were spared, Rome nevertheless disposed of them arbitrarily. In earliest times, the captives were sometimes merged with the Roman population. After the capture of Alba Longa, Horatius ordered the inhabitants to leave their homes with all their possessions; he then razed the city to the ground. Brought to Rome, the Albans settled on the Coelian hill and shortly afterwards became Romans.

Slavery

Generally, the vanquished were sold as slaves for the benefit of the State, their masters having the right of life and death over them. Hundreds of thousands were sold in this way after the victory of Aemilius Paullus over Perseus², when seventy cities of Greece were completely destroyed; and similarly after the fall of Carthage, Numantia and Jerusalem—to mention only the major disasters which befell the peoples brought under the Roman yoke.

The children of slaves were themselves slaves, and were bred like human cattle. This reservoir supplied servants for the wealthy, labour for the large patrician estates, and the gladiators who were maintained by the State until they fought and died in the arena for the delectation of the Roman mob.

¹ *I.e.* of the town of Collatia, near Rome.

² At Pydna, 168 B.C.

Slavery seems to have always existed in Greece and Rome ; it was accepted without question by all moral teachers until the advent of Christianity, and was a fundamental institution of the ancient world. It continued until the overthrow of Rome by the Barbarians.¹

As an institution, slavery was not devoid of risks. In 70 B.C., the gladiators of Capua revolted under Spartacus, and were soon joined by an army of slaves, nearly 100,000 strong. They routed the generals sent against them by the Senate. Victorious in twenty battles, they were finally overcome only after the countryside had been devastated and several cities pillaged. All citizens taken prisoner were mercilessly executed. Likewise, the easy conquest of Rome by Alaric and his Barbarians at the beginning of the fifth century was due largely to a rising of great numbers of Goths who lived as slaves in the city.

Many incidents, which today seem hardly compatible with military honour, can be explained by the contempt for the individual which slavery symbolised.²

Prisoners of War

Generally speaking, Rome showed lenience to the enemy chiefs who were prepared to come to terms, sometimes even honouring them as allies. Those, however, who bravely resisted were treated with the utmost rigour. Perseus, in clothes of mourning, was first made to walk before Aemilius

¹ Much ingenuity has been spent on the origin of the word " *servus* ", which we translate as " slave ". Some have associated it with *servare* (to spare). *Servi ex eo autem appellati sunt quod imperatores captivos vendere ac per hoc servare et non occidere solent* (FLORENTINUS, L. 4. Dig. *De statu hominum*, I, 15). This etymology is barely tenable. It is simpler to connect it with *servire*. Bréal and Bailly, Darmesteter and Hovelacque believe that *servus* literally meant " guardian ", and that it corresponds to the Greek *ourus*, cf. the Zend " *haurvô* " = guardian. This origin having been gradually forgotten, *servus* came to mean slave ; this is then found in *servire*, *servitus* (Cf. REVON, *op. cit.*, p. 76). The word " slave " was unknown in Rome ; it made its appearance in the tenth century, when many East European Slavs were captured by the Emperor Otho the Great.

² A brief picture of that " canker of the old world, slavery " under the Roman Empire will be found in Buchan, *Augustus*, Bk. IV, chap. I.

Paullus in his triumphal chariot, and then thrown into a narrow cell where, two years later, he died. One of his children, who survived the family disaster, was allowed, as a favour, to live in obscurity in Rome as an ordinary artisan. Jugurtha, in chains, walked in the triumph of his conqueror, Marius. He was then stripped and thrown into a damp cell, where he died of cold and hunger six days afterwards (104 B.C.). Vercingetorix perished ignominiously in the Mamertine prison after six years of suffering (46 B.C.).

Harsh to their enemies, the Romans were no less so towards their own citizens. Nothing could be more characteristic than the episode of the Caudine Forks (321 B.C.). Trapped and dominated on all sides in a narrow gorge, and exposed to destruction by the Samnites who hurled rocks down on them, the Roman army under Posthumius was forced to capitulate. They were spared and released after surrendering their arms, passing under the yoke and undertaking not to fight against their conquerors. They were freed and returned by night to their homes, where they hid in shame. The Senate refused to accept the capitulation and delivered Posthumius to the Samnites.

Any exchange of prisoners arranged by a Roman general on the battlefield was valid only if ratified by the Senate. The latter frequently refused to tolerate the return of citizens who were coward enough to surrender, and did not hesitate to leave them to their fate.

After his victory at Cannae, Hannibal sent to the Senate three bushels of gold rings, taken from patricians and knights who had been killed or captured, and proposed to return the prisoners as a pledge of peace. His offer was proudly refused ; in preference, Rome was ready to constitute a new army of veterans and enfranchised slaves (216 B.C.).

A Roman who succeeded in escaping could recover his place in the city through his right of *postliminium*. But this right was refused him if he had surrendered unconditionally,¹

¹ See L. 17 Dig. 49-15.

or if, entitled under the terms of a treaty to return home, he continued to live abroad.¹ Renegades were never forgiven.

The full rigour of Roman Law was applied to property as well as to persons.

Booty

As a matter of principle, the site of any conquered city became a Roman possession, as a part of the *ager publicus*. The former owners were expropriated by law and the conquerors took possession "by the lance", the instrument of conquest and its symbol. The territory was distributed to the poor of Rome, farmed out (subject to State rental) to colonists, given in reward to Army veterans, or simply sold by the *quaestor*, the proceeds being paid into the Treasury.²

As regards booty, Cicero judiciously remarks that, it being lawful to kill an enemy, it is not against nature to despoil him, if possible. *Neque est contra naturam spoliare eum, si possis, quem honestum est necare*. This rule has ancient sanction. The Book of Deuteronomy (XXI, 14) had already declared: "All that is in the city, even all the spoil thereof, shalt thou take unto thyself: and thou shalt eat the spoil of thine enemies."³

In Rome, booty was not individual but belonged by law to the State. The Roman soldier, at the outset of a campaign, took an oath not to cheat in regard to spoil, and never to pillage more than one silver *nummus* in money value within a radius of 10,000 paces from the camp.⁴ Frequently, however, to stimulate the men, victorious generals were at liberty to distribute part of the booty, without previous reference to the Senate. The spoil to be divided was heaped up in one part of the camp and allocated by the Tribunes in the proportions laid down by the commander. Knights usually received three times the

¹ See L. 12 Dig. id.

² Livy, XXXV, 1, XXVIII, 46 — Aulus GELLIUS, XIII, 24.

³ For a practical application of this command, see Numbers, chap. XXXI.

⁴ Aulus GELLIUS, VI, 4.

amount given a legionary. The strict discipline in the Roman army allowed this system to work.

The remainder of the booty was sent to Rome, to adorn the triumph, and sold for the benefit of the State. When Aemilius Paullus entered Rome in triumph, a stream of chariots, laden with statues and valuable pictures, took three days to pass by ; thousands of men carried gold and silver vases, and four hundred golden crowns offered by the cities of Greece to the Roman people were borne past.

The rule of devolution of spoils to the State was so strict that a general might always fear prosecution, on demand of a Senator, for illegal appropriation of part of the spoil—technically known as “peculation”. Even the great Scipio Africanus, who finally defeated the Carthaginians, was called on to meet this charge, and severely punished for paying into the treasury 480 pounds less silver than he had received.¹

Religious Foundation of Law

Roman severity, therefore, did not apply solely to the vanquished, and the rectitude and firmness of Roman Law, which justified its prestige, must be recognized. Like everything else in ancient cities, law was based on religion, and if it included certain concepts which seem to foreshadow international law, it is because these ideas were ethical, and founded on religious sentiment.

Right of Asylum

One of the oldest of humane institutions is the right of asylum. In Rome, as in Greece, this right afforded protection to those who sought refuge in temples or sacred groves. Out of respect for the deity, justice and vengeance had to yield. Rome itself seems to have originally been such a place of asylum.

¹ Val. Max., V, 3.

The obligation to keep faith, the sanctity of treaties, the immunity of ambassadors and respect for the persons of hostages, are ideas which externally seemed to govern the citizen of Rome in his relations with other men. In fact, these obligations bound him only towards himself, because he respected the vows made to his gods—so much so that Rome considered herself obliged to carry out the provisions of a treaty, even when her adversaries disregarded their duties under it. Though often deceived by the Carthaginians during the wars in Africa, they always refused to imitate, even in reprisal, what they reprobed as *punica fides* (Punic faith).

Highly formalist, as the religion itself, the customs of war among the Romans might have led to misconception. The idea of a just war—*bellum justum*—had always been their guiding principle. The phrase, however, has not the moral sense given it by Canon Law in the Middle Ages, and subsequently conserved in International Law. It only meant that war had been declared in accordance with certain ritual by the proper authorities—the *collegium fetiale*¹—and might be applied indifferently to defensive war, or an aggressive war waged for the benefit of the Republic.

It must, however, be admitted, that this insistence on a declaration of war made for order in international relations. Neglect of the formality was always punished; a general who was conqueror in an undeclared war had no right to a triumph. The Roman legate Clineas, for example, was delivered over to the Ligurians whom he had attacked in disregard of a treaty of alliance²; the consul Lepidus, fighting in Spain in violation of the fetial law, was ordered to stop.

¹ A college of ten members recruited by co-optation amongst the great families; its function was to apply the *ius fetiale* relating to the declaration of war, conclude treaties, deal with extradition, and so on.

² Dio CASSIUS, *Fragments* 45.

Immunities of Ambassadors

Respect for ambassadors was equally characteristic of Roman law.¹ Political organization being so fragmentary in the ancient world, ambassadors formed the only links possible. The Romans could boast that they always respected the persons of ambassadors. Thus Tarquin sent an envoy to Rome, who under the pretext of claiming his master's property fomented a revolt and was arrested. The Senate, on consideration, allowed him to leave unharmed. Even when her own ambassadors had been badly treated, Rome did not retaliate. Thus we find Scipio, in Africa reassuring the Carthaginian envoy, who, remembering the behaviour of his countrymen, had misgivings about his own safety.

Hostages

Hostages were likewise treated correctly and sometimes granted particular favour. Their status, however, was different, and their safety precarious. Those who attempted to escape were put to death. Rome was also merciless of treachery: when the Pometian colony rebelled, three hundred hostages were executed.

The Oath

The conception of the oath, quasi religious and binding absolutely, was fundamental to the idea of law. Regulus, taken prisoner by the Carthaginians, accompanied their ambassador coming to Rome to negotiate peace; he had sworn to return if the negotiations failed. Far from advising Rome to come to terms after defeat, he contributed much to the break-down of negotiations; he returned to Carthage and the torture that awaited him, refusing both the chance of escape and the possibility of meeting his wife and friends in Rome (250 B.C.).

The oath was a prerequisite of military service. Cato's son had been *ipso facto* released from his oath when his legion

¹ *Sacrum legatorum jus et fas.* (Tacitus, Hist., III, 80).

was dissolved, but wished to volunteer for the campaign against Perseus. "Beware of taking part in any encounter", his father wrote him, "because with the name of soldier goes the right of fighting the enemy". Cato hastened to arrange with the general, Popilius, for his son to recover his right of fighting, through a fresh oath. "So great was the respect for the laws of war", Cicero exclaims.

We have seen how narrow and one-sided was this concept of the "laws of war". It is none the less true that certain principles had been established, which only needed reference to a wider philosophical context to become the elements of International Law.

Moreover, in extending its conquests, Roman law would, step by step, lose its "quiritary" character, that is to say, it would cease to apply exclusively to Roman citizens. It extended, first in Italy and later in the Empire, to the millions of people who acquired citizenship.¹

We shall find that, as Roman law gradually extended to ever larger numbers, its essential principles were tinged by new ideas, less rigid than those of primitive Rome. The minds of Roman legislators were already opening to more humane ethical precepts when Christianity came, bringing with it a new conception of the brotherhood of man.

2. — PAX ROMANA

Having conquered the world, Rome gave it peace.

This *Pax Romana*, lasting from the first to the fifth centuries A.D. and extending to all peoples in the Greco-Latin world, left enduring memories; historians have written at length in its praise. Not only Roman authors such as Livy², but also

¹ At the beginning of the first century B.C., the "allies"—i.e. the various Italian peoples who successively came under Roman domination—demanded and finally, after a bloody civil war, obtained Roman citizenship. In the first century A.D., Caracalla gave citizenship by edict to all inhabitants of the Empire.

² "It was the sense of justice and the good faith of the Roman people that brought it greatness". Livy: *Hist.*, XLIV, 1.

foreigners like Polybius, critically regarding contemporary life with exemplary sobriety and acuteness, decided that Rome had fully earned her dominating position.

In more modern times, Machiavelli, in his Discourse on Livy, expressed his admiration of Rome's success, which he attributed to two causes: the strength and wisdom of her political organization and her skilful treatment of the vanquished. In the seventeenth century Gravina thus expressed his enthusiasm: "The Romans considered alone as enemies, the enemies of humanity. They took from the vanquished only the possibility of doing evil; their ambition sought to spread civilization and establish a universal order."¹ Bossuet referred eloquently to "the mighty Empire that engulfed the empires of the universe, and gave rise to the greatest realms of our own times; whose laws we still revere—an Empire we should in consequence better know than any other."

So much praise may set us wondering after what was said above of the harshness and rigour of early Roman law. But history shows, again to take Bossuet's words, that the Roman people learned "to confine its warlike spirit within the bounds of equity".

Growth of Ideas

Already in the fourth century B.C., Camillus, the dictator, showed that he realized the advantages of a humane policy towards the vanquished. There is the story of the traitor schoolmaster who came to deliver up the children of a besieged town; Camillus had him ignominiously thrashed by his pupils who were sent home. When Veii was taken, Camillus ordered that no one who had been responsible for the sacred vessels should be ill-used.² After the capture of Falerii he forbade pillage. Called upon by the Senate to explain this forbearance, he asked: "Are your rights as victors to be used for an extreme of cruelty?—You are entitled, if you wish, to turn Latium into one vast

¹ *De ortu juris civis*, I, 16.

² *LIVY: Hist.* V, 21.

desert. Following the example of your forefathers, will you not add rather to the resources of Rome? Admit the vanquished as citizens, and you enhance both your power and your glory".¹ Camillus failed to convince his judges; he was exiled for not allowing the town to be sacked. But his greatness is to have, none the less, foreshadowed methods of warfare that would one day prevail.

From its very first encounters with Greek civilization, Rome was given the example of humane behaviour. Pyrrhus, King of Epirus, called to assist the Greek cities in Southern Italy, had crossed to the Peninsula with his elephants, and was at first victorious. Far, however, from showing cruelty to the Romans, he had the wounded cared for and the dead buried, and praised the courage of the soldiers taken alive. Such generosity was rare in those ancient times. The Senate, in spite of it, rejected the offer of peace, proudly refusing to negotiate so long as Pyrrhus remained on Italian soil.

But the lesson was not wholly lost. The Senate gradually adopted the wiser policy recommended earlier by Camillus. A besieged town which unconditionally surrendered was treated with clemency and became an "ally". We even find generals who acted otherwise being heavily punished.²

Certain practices were discountenanced—the poisoning of springs and fountains, for example, was looked upon as reprehensible.³ Livy quotes cases where a disarmed adversary's life is spared. The noble saying: *hostes dum vulnerati fratres* (enemies while wounded are brothers),⁴ seems to presage Jean-Jacques Rousseau's dictum⁵ and the cry *Tutti fratelli* of the Piemontese women at Castiglione, after the battle of Solferino, who gave the same care to their own wounded countrymen, their French allies, and the Austrian enemy. Scipio Aemilianus is praised

¹ Livy: VIII, 13, 14.

² CICERO, *De officiis*, I, II.

³ FLORUS, II, 20.

⁴ Quoted by BURET, *Le droit de la guerre chez les Romains*, p. 46.

⁵ "As soon as combatants give up their arms or surrender, they are no longer enemies or instruments of the enemy; they are simply men once more". *Contrat social* (1762), Bk. I, chap. 4.

for refusing to molest his female captives. Many began to think like him, amongst them his friend, the Greek historian Polybius. He considered that the citadels, ramparts and ships of the enemy might be destroyed, but to despoil him when he is beaten, to throw down his temples and statues without reason, to burn his crops in vengeance, is a mark of incredible folly.¹ Scipio refused to give their part of the spoil to the soldiers who had desecrated the Temple of Apollo.² He was also the patron of Terence, who wrote : *Homo sum : humani nihil a me alienum puto* (I am a man, nothing is foreign to me that is human).³

With Cicero, the affirmation of humane principles becomes more decided. He was one of the first to couple charity and humanity,⁴ and to say. "Right cannot be where justice is not." He quotes and endorses Sophocles, who makes Antigone reply to Creon that the written law yields to the unwritten, that is, to the natural law. He does not, however, draw all the logical inferences, still maintaining that the humanitarian principle (*humanitas*) must give way before loyalty to the State (*pietas*).⁵

Augustus conquered the world and made an end of civil war ; he laid the foundations of peace and Empire. The ideas he shared were new and far removed from early Roman austerity and rigour. When Vidius Pollio, following his barbarous custom, wanted to throw a slave as food to the muraenae in his fishpond for having broken a precious vase, Augustus ordered the slave to be spared, all Pollio's crystal vases to be smashed and the fishpond filled in. Augustus insisted, in the negotiations with the King of the Parthians, for the return of the eagles lost by Crassus at Carrhae and the release of all Roman prisoners. On learning the total defeat sustained by Varus, the Emperor "for a time let his beard and hair grow in token of mourning... he was often heard to say, as if the words were unconsciously wrung from him : "Varus, Varus, give me back my legions !"⁶

¹ POLYBIUS, V, 11 and 12.

² APPIUS, *De rebus punicis*, 133.

³ TERENCE, *Heautontimorumenos*, I, 1, 23.

⁴ *Caritas humani generis*. See *De finibus*, V, 23.

⁵ See DE LIGT, *La paix créatrice*, Vol. I, p. 208.

⁶ JOHN BUCHAN, *Augustus*, Bk. IV, chap. 5.

Six years later, Germanicus occupied the scene of the disaster ; he ordered the remains that could be found to be buried and himself placed the first sod upon the mound.

The Stoics

At the dawn of the *Pax Romana*, in the reign of Augustus, Jesus Christ was born. The event was unnoticed by contemporaries, yet time was to date from it, and it was to transform the world ; the humanity of even the greatest of the Romans had little to offer, compared with the new message.

The philosophical ideas of Cicero, Scipio, and Terence were in the main Stoic. Their teachings were noble and possessed unquestionable moral weight ; they could inspire a dignity in life capable of attaining the heroic.¹ But they remained moral ideas, valid only for the individual, and had little social consequence. They were accepted mainly amongst the aristocrats, who did not dream of abandoning the privileges which the social and juridical organization conferred. The rigours of slavery had, nevertheless, in many respects abated. Slaves could be freed very simply : in the presence of a magistrate the master gave his slave a slight box on the ear. A freeman was even counted a citizen if he could support his dependents. In great families, particularly gifted slaves were taught music or literature, and later freed. Terence had been Scipio's slave ; Phaedrus, the fabulist, was a slave of Augustus. Under Nero, freemen occupied the highest posts in the state ; Nero's former tutor, the philosopher Seneca, taught the noblest Stoic maxims, such as : *Homo sacra res homini*—To man, man should be sacred. He wrote : " We should treat our enemies with forbearance."² and condemned the shedding of blood, either on the battlefield or in the arena. To kill soldiers and non-combatants indiscriminately is as wasteful as ruin and conflagration.³

¹ Loc. cit., Bk. IV, chap. 3. " Stoicism... best suited the Roman character. It may be defined as puritanism stripped of its element of rapture."

² Letters to Lucilius, 95, 33.

³ *De ira*, II, 27.

These teachings, unfortunately, had only theoretical value and their influence was not far-reaching. Seneca, incidentally, was condemned to death by his own pupil.

Christianity

Christianity went far beyond Stoicism in its teaching. On consideration, it is not surprising that, when the great Roman Pantheon was open to the gods of all the conquered peoples—Jupiter of Praeneste, Juno of Veii and Lavinium, the Samnite Venus, the Faliscan Minerva, the gods of Hellas and the East,—Christians were being cruelly persecuted. What must have been the effect on Roman ears of the words of the Apostle Paul, opening the Kingdom of God to all men, and saying: “Where there is neither Greek nor Jew, Barbarian, Scythian, bond nor free.”¹ Yet Paul was only drawing the logical inference from the parable of the Good Samaritan, of which Bossuet writes: “Let us realise that our neighbour is every man, and that the precept to love one another, although it refers in a special way to the faithful, professing the same faith and co-heirs of the same Kingdom, yet embraces the whole human race, because all are called to the same grace.”

“My neighbour is all mankind” was a concept which upset all the narrow and exclusive principles of Roman law, and was wholly foreign to Paganism. The natural equality of men, as being all God’s creatures, created in His Image and redeemed by Christ from original sin, established the idea of the dignity of the human person—henceforth the principle of inalienable individual rights. To the established order, it seemed a crazy attempt at revolution. The very idea of one God, the objective criterion of Good and Evil, and consequently of justice and injustice, was enough to uproot all the ancient and formal traditions of Rome. It is easy to understand the disquiet of those in authority and their hatred for ideas which could only appear subversive. Hence the attitude towards Christianity not only of the worst Emperors like Nero, but even of the best.

¹ Col., III, 11. — See also Gal. III, 28; I Cor. XII, 13.

The philosophic Emperor Titus, called by Suetonius "the ornament of the human race", who felt his day to be wasted if it passed without helping someone and wished his clemency extended to even the most guilty, so that in his reign no citizen might be put to death,—he, too, allowed Christians to be persecuted.

Christianity, nevertheless, at no time became a political rival to Roman power. It was through its moral influence, powerful and widespread in a way far different from the influence of Stoicism, that it succeeded as Stoicism did—but much more fundamentally—in changing Roman institutions. His faith requires the Christian to conform to a natural order set up outside himself, and respect authority without which the life he must live as a member of society would be impossible. "Render unto Caesar" is an integral part of Christ's teaching, equally with respect for the individual and the duty of those in authority to govern for the good of their subjects.

The scrupulous observance of these moderate principles to some extent offset the revolutionary force of Christianity, which was in turn helped on by the failings and excesses of its enemies.

The Pax Romana

In the second century, the structure of the Empire was saved by men from the provinces. Trajan, and Hadrian, both come from Spain, were witnesses outside Rome of the advantages of the *Pax Romana*. The orgies and crimes of Augustus' successors were foreign to both. Disdaining ostentation, they set Rome on foundations which might have made the Imperial achievements lasting. Trajan entered Rome on foot, through the midst of the crowd, where everyone could see and even speak to him, a few lictors only preceding to clear the way. Hadrian also took pains to be accessible, and, on several critical occasions, gave proof of his generous humanity.

Antoninus, and Marcus Aurelius after him, prolonged the golden era of the *Pax Romana*. Aurelius was a moral philosopher, who might have changed the face of the Empire, had he put

his philosophical ideas into practice. "That which is in conformity with man's nature", he wrote, "is good and useful for him. I am essentially a creature of reason, inclined to the social life. As an Antonine,¹ Rome is city and country to me; as a human being, the whole world is my fatherland. What is good for Rome and the world can alone be good for me." But the international problem remains for him moral and "humanitarian", not political.²

Marcus Aurelius, who forbade gladiators from fighting with sharpened weapons, continued to persecute the Christians. His example is typical of the inability of the Roman world to depart from the paths it had followed in its glory. Even when it had become Christian—with occasional reversions to paganism—it could not entirely detach itself from ancestral custom. In 390 A.D., the city of Thessalonica revolted against its governor, and Theodosius ordered his troops to massacre seven thousand people in the arena, without distinction of age or sex. He, however, repented bitterly and made amends at the behest of St. Ambrose, Bishop of Milan. In 404 A.D., the triumph of the Emperor Honorius and his general Stilicho were celebrated by fights in the arena, and many gladiators were slain. It was then that Telemachus, a monk who had come to Rome to protest against these barbarous practices, rushed among the combatants and was killed. His martyrdom was not vain; the same day, Honorius, restoring the edicts of Constantine, proscribed the gladiatorial shows for all time.

But Rome was only five years from the disaster which delivered her to the Barbarians.

With her, the Western Empire foundered. In the sixth century, Justinian, Emperor in the East, re-established the unity of the Roman Empire for a time. He gave orders to have all the chief legal texts assembled in the Corpus, which included

¹ Marcus Aurelius was the adopted son of Antoninus Pius, whose reign was so popular that his successor took the name of "Antoninus" as Augustus and his successors had taken the name of Caesar.

² See Chr. L. LANGE, *Histoire de la doctrine pacifique et de son influence sur le développement du Droit international*. The Hague, 1926, 13, III.

the Digest, Codes, Institutes and Novellae. Thus was Roman law preserved for posterity. But the Corpus remains true to the general trend of ancient tradition, and slavery is still recognized : *Servitus autem est constitutio juris gentium*.¹

* * *

Roman Law was founded upon religion and contained provisions which introduced a certain pattern into the relations of Rome with other peoples. These rules were, however, wholly one-sided, and cannot be looked upon as constituting a “ law of war ”, and still less a system of “ humanitarian law ”.

Roman Law, as customs and ideas developed, gave equitable peace to the ancient world, but was only *de facto* universal : its tendency was to consolidate civil and political privileges. The principle of the equality of men, on which alone universal law can rest, did not succeed in establishing itself in the Roman world despite the advance of Christianity which had proclaimed it. Accordingly, the *jus gentium*—the law of nations applicable to the alien *peregrini*—is unilateral in Roman Law ; it is merely a concession. Only much later on, as we shall see, did it acquire the meaning we now attach to the term International Law.

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¹ *Institutes*, Bk. I, Part III, par. 2.

REVUE INTERNATIONALE
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ET
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DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRINCIPAL ITEMS OF INTEREST

Greece. — In agreement with the Greek authorities the International Committee has since 1947 been able to give useful assistance to persons deprived of their liberty for reasons connected with the disturbances which occurred in Greece. In the case of military personnel or of civilians accused of various offences, or that of men or women interned on account of their political opinions, the ICRC only saw them (in accordance with its traditional duty) as persons who were entitled to humane treatment.

The representatives of the ICRC visited all camps, prisons and places of exile, some on several occasions. These visits, over 125 to date, took place according to the usual procedure. On each occasion the Committee's delegate was able to converse, without witnesses, with those interned or detained, to transmit their complaints, to suggest and to obtain improvements in their treatment. As one particular instance, we may mention that as a result of the delegates' efforts the detained persons in question were allowed to use the ICRC Civilian Message Forms for corresponding with persons resident in countries which were not in regular postal communication with Greece.

On the other hand, joining its work of individual assistance to persons deprived of their liberty with that, of a more general nature, in favour of the whole of the Greek population affected by the events of war, the ICRC despatched to Greece large quantities of relief supplies including foodstuffs, clothing and medicaments. Thanks to the relief in kind received from abroad, and the ICRC consignments, the Athens Delegation was able to distribute in Greece, from January 1, 1947 to June 30, 1952, 1,158 tons of various relief supplies representing two and a half million Swiss francs in value.

Together with this material relief action the ICRC undertook from the autumn of 1951 with its own resources an anti-tuberculosis campaign in penitentiaries and places of exile, as well as among that part of the population in whose case the disease was consecutive on hardships suffered during hostilities or in the post-war period. A head nurse was attached to the Athens Delegation who, after a preliminary checking of those suffering from the disease, selected a number who were likely to respond to anti-biotic treatment. For the purpose of this detection of tuberculosis by means of clinical and radiological tests a medical record was made out for each patient, of which a duplicate was sent to the ICRC doctors in Geneva who were thus, in case of need, able to advise the Greek doctor in charge as to the future treatment required.

A selection was made of 300 tuberculous cases ; and these have to date been given treatment with medicaments supplied by the ICRC, of which the use has been strictly controlled by means of the medical record cards. In many cases, thanks to the ICRC relief supplies, diet meals were prescribed in addition to medical treatment. Eight months after the beginning of the campaign 50% of the patients under treatment showed great improvement in their state of health, and 30% showed moderate improvement, while in the case of 20% no change was observed.

In carrying out this work the ICRC delegation in Greece enjoyed the valuable support of the Greek Red Cross and of Greek doctors, who showed great interest in the anti-tuberculosis campaign and gave voluntary and regular service to the Delegation.

War Disabled. — During the month of August the Disablement Section continued its work of individual and collective relief. In particular it sent to the Polish Red Cross in Warsaw 20 Braille watches for the Polish blind, purchased with the remainder of the Pridham Legacy¹. It also sent 80 Braille watches to the ICRC Delegation in Berlin for the German

¹ See *Revue* for December 1951, page 929.

blind. Further, 125 Braille watches (of which 50 were donated by the ICRC) will shortly be forwarded to the French Red Cross for French war blinded.

Italy. — The ICRC has presented to the Social Service of the Italian Red Cross in Rome 500 parcels of clothing and under-clothing for a total weight of 1,300 kgs. This consignment, intended for repatriated Italian prisoners of war, is valued at Sw. Fr. 12,500.

Refugees. — The ICRC is still concerned with the refugees of all nationalities remaining in Italy, particularly those living in camps and the "hard core cases". Thanks to the kind offices of the Section for Legal Assistance to Refugees and the Social Service of the Italian Red Cross, the ICRC has been able to assist these refugees to some extent. Medicaments have been distributed to aged and sick refugees in Pagani and Fraschette Camps, and to other aged and sick refugees living outside the camps.

Moreover, at the International Committee's request, the Social Service of the Italian Red Cross assisted a group of refugees in Aversa Camp by facilitating their applications in view of their emigration to other countries.

XVIIIth INTERNATIONAL RED CROSS CONFERENCE

RESOLUTIONS ADOPTED BY THE XVIIIth INTERNATIONAL RED CROSS CONFERENCE

(Toronto, July-August, 1952)

I.

REPORTS BY NATIONAL SOCIETIES

The XVIIIth International Red Cross Conference,
having taken note of the reports submitted by National Societies
on their work,
receives these reports,
directs that they be filed,
thanks the National Societies which submitted them.

2.

REPORT OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

The XVIIIth International Red Cross Conference,
having received the report of the International Committee of the
Red Cross on its work from 1948 to 1952,
accepts this report,
thanks the International Committee of the Red Cross for having
submitted it.

3.

REPORT OF THE LEAGUE OF RED CROSS SOCIETIES

The XVIIIth International Red Cross Conference,
having received the report of the League of Red Cross Societies on
its work from 1948 to 1952,
accepts this report,
thanks the League of Red Cross Societies for having submitted it.

4.

EMPRESS SHOKEN FUND

The XVIIIth International Red Cross Conference,
having received the report of the Empress Shoken Fund presented
by the Joint Commission of the International Committee of the Red
Cross and the League of Red Cross Societies,
accepts this report,
thanks the Joint Commission for its administration of the Fund.

5.

AUGUSTA TRUST FUND

The XVIIIth International Red Cross Conference,
having received the report on the Augusta Trust Fund submitted
by the International Committee of the Red Cross,
accepts this report,
thanks the International Committee of the Red Cross for its
administration of the Fund.

6.

FLORENCE NIGHTINGALE MEDAL

The XVIIIth International Red Cross Conference,
having received the report on the award of the Florence Nightingale
Medal submitted by the International Committee of the Red Cross,
accepts this report,
thanks the International Committee of the Red Cross for its admi-
nistration.

7.

FOUNDATION FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

The XVIIIth International Red Cross Conference,
having received the report on the Foundation for the International
Committee of the Red Cross submitted by the Council of this Fund,
accepts the report,
thanks the Council for its administration.

8.

FINANCING OF THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

The XVIIIth International Red Cross Conference,
(a) having received the report of the Commission for the financing
of the International Committee of the Red Cross,

thanks the Commission for having submitted this report,
requests the Commission to continue its work ;

(*b*) having received the report of the International Committee of the Red Cross on its finances, thanks the International Committee for having submitted it.

9.

FINANCING OF THE LEAGUE OF RED CROSS SOCIETIES

The XVIIIth International Red Cross Conference,

having received the report submitted on this subject by the League of Red Cross Societies,
accepts this report,
thanks the League of Red Cross Societies for having submitted it.

10.

REAFFIRMATION OF FUNDAMENTAL PRINCIPLES
OF THE RED CROSS

The XVIIIth International Red Cross Conference,

(*a*) reaffirms the fundamental principles of the Red Cross adopted by the Board of Governors of the League of Red Cross Societies at their XIXth meeting in Oxford in July 1946 and subsequently amended at their XXth meeting in Stockholm in 1948,

calls upon all National Societies to adhere strictly to these principles in order to maintain the tenets of impartiality, political, racial, religious and economic independence, universality of the Red Cross, and equal rights of National Societies, which are the corner-stones of the Red Cross movement ;

(*b*) noting the useful results which have been achieved by the Conference despite the introduction in certain cases of political issues, expresses its determination not to allow such issues to undermine the work of the Red Cross at any time,

declares its unabated faith in the Red Cross as a movement concerned solely with humanitarian activities which help to promote mutual understanding and good will among nations whatever their political differences,

affirms the importance of all national Red Cross Societies working together at all times for the promotion of health, the prevention of disease, and the mitigation of suffering throughout the world.

II.

THE RED CROSS AND PEACE

The XVIIIth International Red Cross Conference,

considering that war which divides nations and spreads discord is the greatest scourge of humanity and is capable of bringing about a return to barbarism,

considering the previous resolutions of International Red Cross Conferences on the necessity for international co-operation in maintaining peace,

recalls and confirms these resolutions,
invites National Societies

(a) to make every effort to avoid and dissipate misunderstandings between nations,

(b) to intensify co-operation and mutual help in order to create among nations a true understanding and to ward off the scourge of war,

declares that this scourge can be averted through the leadership of the Red Cross which constitutes not only a material force serving humanity but, above all, a moral and spiritual force, uniting the world in a common spirit of brotherhood.

12.

CO-OPERATION BETWEEN NATIONAL SOCIETIES AND GOVERNMENTS

The XVIIIth International Red Cross Conference,

considering that a National Society, to become a member of the International Red Cross, must first be recognized by its own Government,

considering Resolution 55 (1) adopted by the General Assembly of the United Nations on November 19th, 1946, which recommends that Governments assist in the establishment and co-operation of National Red Cross, Red Crescent, Red Lion and Sun Societies, while respecting their independent voluntary nature,

considering Resolution 40 of the XVIIIth International Red Cross Conference enumerating the special facilities that Governments are requested to grant to their National Societies for the carrying out of their tasks,

recommends that the National Societies, while preserving their independence, maintain with their respective Governments regular co-operation in time of peace as in time of war and conclude specific agreements for determining the particular tasks which may be entrusted by Governments to National Societies and accepted by the latter,

reiterates its previous requests to all Governments with a view to obtaining from them the special facilities referred to in Resolution 40 of the XVIIth International Red Cross Conference, so as to facilitate, both in time of peace and in time of war, the accomplishment of the humanitarian work of the Red Cross,

13.

VOLUNTEER SERVICES

The XVIIIth International Red Cross Conference,

recognizing that the Red Cross is essentially a voluntary effort carried on by thousands of volunteers the world over,

recognizing that the great strength of the Red Cross is its readiness to help those in need and that throughout its activities it can use the service of all who are willing to help,

recognizing also that the potential of volunteer effort is practically limitless,

recommends that the aim of all National Societies be the broadest possible participation of all people, professional and lay, trained and untrained, old and young, in order that service through the Red Cross may be initiated and expanded as fully as possible and, to achieve this,

recommends that National Societies share experience in connection with volunteer service through interchange of information and exchange of visits between Societies,

requests the League of Red Cross Societies to offer guidance to those Societies wishing to initiate or further develop volunteer services and, to this end,

recommends to the attention of all National Societies the guide on Red Cross volunteer service prepared by the League of Red Cross Societies and presented at this Conference.

14.

LEGAL ASSISTANCE

The XVIIIth International Red Cross Conference,

approves the reports presented by the International Committee of the Red Cross and the League concerning the action taken on Resolution 31 of the XVIIth International Red Cross Conference,

thinks the International Committee of the Red Cross for the initiative it has taken in order to coordinate the efforts to give practical effect to legal assistance,

invites the International Committee of the Red Cross to carry on its activities in conjunction with the League of Red Cross Societies,

the National Societies and the other governmental or non-governmental organizations which may contribute to the solution of the refugee problem.

15.

RATIFICATION OF GENEVA CONVENTIONS
OF AUGUST 12TH, 1949

The XVIIIth International Red Cross Conference,

considering it of vital importance that the four Geneva Conventions of August 12th, 1949, be fully operative as soon as possible, and having been informed of the regrettable fact that until now only nineteen States have ratified these four Conventions or adhered to them,

addresses an urgent appeal to the remaining signatory States requesting them to hasten ratification of the Geneva Conventions of August 12th, 1949, in order that the latter may be universally recognized and effective.

16.

APPLICATION OF GENEVA CONVENTIONS OF 1949

The XVIIIth International Red Cross Conference,

considering that under Article 1, which is common to the four Geneva Conventions of 1949, the powers undertake to respect and to ensure respect for the said Conventions in all circumstances,

considering that it is in the common interest of all that the Geneva Conventions should always be fully respected everywhere and at all times,

recommends to the Governments of all countries not involved in a conflict and to the National Societies of such countries that they facilitate in every way the material application of these Conventions,

considers in particular that it is the duty of States bordering any territory where a conflict is taking place, and of the National Societies of such countries, to facilitate the passage through such States of persons whose mission it is to aid in the application of the Conventions and in the conveyance of relief to the victims of such conflict.

17.

GENEVA PROTOCOL OF JUNE 17TH, 1925

The XVIIIth International Red Cross Conference,

considering that bacteriological weapons constitute one of the greatest dangers to humanity,

considering that several Governments have not yet adhered to the Geneva Protocol of June 17th, 1925, providing for the prohibition of bacteriological weapons, or have not yet ratified it,

urges all Governments which have not as yet adhered to the aforesaid protocol or ratified it to so adhere to or ratify it,

request National Societies to obtain from their Governments, if the latter have not yet adhered to or ratified the Geneva Protocol of June 17th, 1925, an undertaking to do so in the shortest possible time, and without reservations.

18.

ATOMIC WEAPONS

The XVIIIth International Red Cross Conference,

considering that there is no agreement or prohibition against the use of atomic weapons,

considering that the race in the field of atomic armaments imperils peace and security among nations,

reaffirms Resolution 24 of the XVIIIth International Red Cross Conference,

urges governments to agree, within the framework of general disarmament, to a plan for the international control of atomic energy which would ensure the prohibition of atomic weapons and the use of atomic energy solely for peaceful purposes,

calls upon all National Societies to request their respective governments to support such a plan.

19.

ALLEGED VIOLATIONS OF THE GENEVA CONVENTIONS

The XVIIIth International Red Cross Conference,

considering that several Delegations have alleged that the Geneva Conventions and humanitarian principles have recently been violated and that these allegations have repeatedly and categorically been denied by those against whom these allegations were directed,

invites the Governments concerned to have these charges examined on the basis of a common agreement,

invites National Societies to unite their efforts, as soon as possible, for this purpose and to promote practical proposals to that end.

RELEASE OF DETAINED PERSONS

The XVIIIth International Red Cross Conference,

considering that as a result of the Second World War, and the events which followed, a large number of persons, adults and children, are still prevented from returning to their homes,

recommends that the National Societies act as natural intermediaries with their respective Governments to facilitate to the greatest extent the liberation of these persons, to seek information concerning the fate of such persons and to facilitate the dispatch to them of material relief,

expresses the hope that the present meeting in Toronto of National Societies and of Governments will provide the necessary contacts for effecting this humanitarian task of mutual aid, which is the very purpose and the reason for the existence of the International Red Cross.

21.

PRISONERS OF WAR—KOREA

The XVIIIth International Red Cross Conference,

considering that charges have been made that prisoners of war held by the parties to the Korean conflict have been mistreated, and that these charges have been categorically denied by the authorities concerned, and

noting that the International Committee of the Red Cross has been enabled to perform its traditional role with respect to prisoners of war held by the United Nations Command in Korea, but has been prevented from performing that function with respect to prisoners of war held in North Korea,

recommends to the parties engaged in hostilities in Korea who have not done so that they permit the International Committee of the Red Cross to perform its traditional role with respect to prisoners of war,

urges the International Committee of the Red Cross to invite them to designate representatives to accompany the International Committee of the Red Cross in a free and full inspection of all prisoner of war facilities, provided that both sides permit such an investigation on an equal basis,

requests the International Committee of the Red Cross promptly to communicate the results of inspection to all parties concerned.

INTERNATIONAL COMMITTEE OF THE RED CROSS

The XVIIIth International Red Cross Conference,

having heard with regret the attacks made against the International Committee of the Red Cross and having heard the explanations of the Committee,

declares its confidence in the International Committee of the Red Cross.

TELEGRAPHIC COMMUNICATIONS (WAR VICTIMS)

The XVIIIth International Red Cross Conference,

considering that information concerning war victims should be speedily transmitted and that the telegraph appears to be the most suitable channel to effect this,

bearing in mind the sympathetic understanding already manifested by the competent authorities of the various countries,

emphasizes the importance of giving to this matter an international solution,

expresses the wish that the next conference of the International Telecommunications Union, which is to meet in Buenos Aires, take all necessary steps in order to harmonize the regulations on telegraph communication with the provisions of the 1949 Geneva Conventions providing for full exemption, or at least a considerable reduction in the cost of telegrams concerning war victims.

MUTUAL ASSISTANCE BETWEEN NATIONAL SOCIETIES

The XVIIIth International Red Cross Conference,

considering the difficulties of ascertaining the best methods by which National Societies can help each other by the provision of relief supplies,

recommends that the League of Red Cross Societies give a more definite lead to National Societies as to the type of relief supplies which each country is in a position to make available to meet the special needs of any potential recipient, and further

recommends that, while recognizing the desirability of all National Societies participating in the relief of distress wherever it may occur, due regard should be paid to ensuring that the donor Society take into account its special responsibility for the needs of its own country, and particularly when other National Societies are making contributions for relieving distress in the country of the donor Society and, further

recommends that in cases where a National Society is (or has been in the immediate past) appealing for help, the League of Red Cross Societies, when circularizing any other appeal on behalf of any other Society, should indicate to the first mentioned Society that the appeal is sent to it primarily for information ; the League should also indicate whether it appears possible for such a National Society to send or make a token contribution in kind from some local source of supply without prejudicing relief work undertaken in the Society's own country, and, further

recommends that the League of Red Cross Societies should not initiate any general appeal on behalf of a National Society except at the specific request of the National Society concerned.

25.

DISASTER RELIEF

The XVIIIth International Red Cross Conference,

recommends to the National Societies and the Governments of their respective countries that they endeavour to implement the recommendations adopted by the Seminar on Disaster Relief which met in Mexico City during September 1951, and which were approved as resolutions by the VIth Inter-American Red Cross Conference held immediately thereafter in that capital.

26.

FAMINE RELIEF

The XVIIIth International Red Cross Conference,

noting there is from time to time famine in various parts of the world, that is especially serious at present,

calls upon National Societies to respond to appeals from sister Societies,

recommends to all National Societies that they co-ordinate with the League of Red Cross Societies their relief contributions in order to effect the most urgently required aid, and in the most expeditious manner,

urges that assistance so extended be made on the unconditional basis of pure humanitarianism and in the spirit of mutual assistance and brotherhood among the people of all nations, under the principles of the League of Red Cross Societies,

recommends that the recipient Societies report to the League of Red Cross Societies their use and/or distribution of these supplies, and, further

recommends that, in order to co-ordinate the efforts of National Societies, the League of Red Cross Societies make a special study of the needs of famine areas, so that advice concerning the urgency of needs of the respective famine-stricken areas may be given to National Societies.

27.

RELIEF TO CHILDREN

The XVIIIth International Red Cross Conference,

having considered a report submitted by the Canadian Junior Red Cross stressing the need for additional direction in the providing of relief for children in various countries throughout the world,

realizing that such direction and guidance necessitates extensive research at the international level in co-operation with other international agencies,

requests the League of Red Cross Societies to investigate relief needs among children in all parts of the world and, to this end, to co-operate in study and research with such international agencies as World Health Organization, United Nations Educational, Scientific and Cultural Organization, and United Nations International Children's Emergency Fund, and to inform the National Societies from time to time as to :

(a) the supplies most needed in a particular country requiring relief with detailed specifications and requirements as to clothing, including sizes, design, fabric, etc.; food; medicines and school supplies;

(b) details as to relief already supplied to any such country and information as to how further contribution of relief might supplement this;

(c) desirability and efficacy of supplying vitamins, should they be more appropriate than bulk foods, and the relative economies in the purchase thereof.

28.

ASSISTANCE TO CIVILIAN POPULATION OF KOREA

The XVIIIth International Red Cross Conference,

realizing the extreme distress and the grave needs of the millions of war victims in Korea and the desire of the National Societies to forward relief for distribution in the traditional and free manner which had proved so successful before the outbreak of hostilities in Korea,

regrets that the United Nations military authorities have had difficulty during military action in arranging for the adequate flow of all Red Cross supplies which could have been made available by National Societies to the Red Cross Society of the Republic of Korea,

understands that these difficulties have been overcome to an extent which has permitted an increased quantity of Red Cross supplies to be shipped into Korea in recent months,

views, however, with concern any restrictions not the result of military necessity incidental to their shipment to and distribution in Korea which may have the effect of hampering the free flow of Red Cross supplies in accordance with the traditional principles of the Red Cross,

draws the attention of the Secretary General of the United Nations to the special position of the Red Cross, Red Crescent and Red Lion and Sun Societies recognized by the United Nations under Resolution 55 (I) of the General Assembly of that body passed on November 19th, 1946,

requests the Secretary General of the United Nations in pursuance of that resolution and in furtherance of the aims and principles of the International Red Cross to confer as soon as possible with the League of Red Cross Societies in order to determine the measures whereby the flow of Red Cross supplies to Korea may be facilitated and the difficulties above referred to resolved without delay and also to confer with the International Committee of the Red Cross for the same purpose in relation to any supply it could furnish,

requests the League of Red Cross Societies to offer once again to the Red Cross Society of the Democratic People's Republic of Korea the provision of relief to war sufferers on its territory.

29.

INTERNATIONAL COMMISSION FOR MEDICAL EQUIPMENT

The XVIIIth International Red Cross Conference,

notes the action taken on Resolution 50 adopted by the XVIIth International Red Cross Conference and the opinion expressed with regard to this Resolution by the World Health Organization,

approves the report presented by the reorganized Standing International Commission for the Study of Medical Equipment, as well as the new regulations of this Commission, whose title will henceforth be "International Commission For Medical Equipment",

insists that the matter of blood transfusion equipment be studied as a question of primary importance.

30.

BLOOD TRANSFUSION CENTRES AND SERVICES

The XVIIIth International Red Cross Conference,

decides that for the designation of technical and administrative organizations dealing with blood transfusion the terms "centre" and "service" shall be used preferably to all others.

31.

ARTIFICIAL RESPIRATION

The XVIIIth International Red Cross Conference,

recognizing the superiority of the Holger-Nielsen method of manual artificial respiration over the majority of other similar methods, particularly in respect of pulmonary ventilation, ease of execution and simplicity of instruction,

recommends that the Holger-Nielsen method of artificial respiration be adopted as soon as feasible for general basic instruction of Red Cross personnel; that this should not exclude, however, the teaching of other methods of artificial respiration for use in special circumstances and conditions.

32.

READING AS THERAPY FOR MENTAL CASES

The XVIIIth International Red Cross Conference,

considering that reading, properly guided, may constitute a very effective therapy in the case of mental disease, and that the Red Cross at present holds an important position with regard to hospital libraries,

invites National Societies to complete their work by providing appropriate reading material for this special group of patients, also

invites the League of Red Cross Societies, in collaboration with the other international organizations which deal with problems of mental hygiene, to begin the study of this question and to forward the results as soon as possible to interested National Societies.

33.

STANDING INTERNATIONAL COMMISSION FOR TRAFFIC SAFETY AND FIRST AID

The XVIIIth International Red Cross Conference,

considering that the Standing International Commission for Traffic Safety and First Aid has fulfilled its purpose,
decides that it should be dissolved.

TRIBUTE TO SIR FREDERICK BANTING

The XVIIIth International Red Cross Conference,

considering that the City of Toronto, site of the XVIIIth International Conference of the Red Cross, is the seat of the University of Toronto where insulin was discovered,

considering that with this discovery by Frederick Banting, together with Charles Best, millions of sick persons, formerly condemned to die, have been saved, including those who, requiring an operation, were unable to undergo it, and that Banting's insulin today makes it possible to save them,

interpreting the feelings of reverence and gratitude that all the delegates of the medical profession at the XVIIIth International Red Cross Conference have for the memory and personality of Frederick Banting, renowned, outstanding and modest, whose greatest satisfaction was in doing good to his fellowmen, free from vanity and without expecting praise, that is to say a true Samaritan of the Red Cross,

remembering the discovery of insulin, which marks an epoch in the history of the cure of diabetes, a serious illness that afflicts the peoples of all continents,

considering that there is nothing more beautiful—and infinitely superior to the monuments that may be dedicated and decorations that may be conferred—than the expression of the feelings and the gratitude of mankind for those who have saved mankind quietly and without ostentation, as Frederick Banting did with insulin, a fact which is identical with the aims of the Geneva Conventions,

requests the Secretary of the XVIIIth International Red Cross Conference, convened in Toronto, as a common expression of all the peoples of the world gathered here with the aims of peace, understanding and the saving of lives, to pay tribute to the memory of the scholar Frederick Banting by sending this resolution to the Institute of the University of Toronto which bears his name, whose laboratories are still imbued with the immortal spirit of the learned Master,

requests that it be presented to Charles Best, his collaborator in the discovery,

requests the Assembly to remain standing for a minute of silence in tribute to his memory,

requests that a wreath of flowers be placed, as a tribute of the XVIIIth International Red Cross Conference, on his monument.

ACTIVITIES OF THE JUNIOR RED CROSS BUREAU
OF THE LEAGUE OF RED CROSS SOCIETIES

The XVIIIth International Red Cross Conference,

having taken note of the report concerning the activity of the Junior Red Cross Bureau of the League of Red Cross Societies during the period 1948-1952,

expresses its complete satisfaction with the effective manner in which the above-mentioned Bureau, in spite of unfavourable circumstances, has acquitted itself of its delicate and complex task.

THE JUNIOR RED CROSS AND PEACE

The XVIIIth International Red Cross Conference,

considering the influences to which youth is subjected and the considerable role played by youth in international life,

considering that the Red Cross should use its influence and its prestige to educate youth in the spirit of the Red Cross which is that of peace,

considering that such an education of youth is a considerable and concrete Red Cross contribution towards the maintenance of universal peace,

recommends to National Societies that they exert their efforts for the education of youth in the spirit of international fraternity, solidarity and the maintenance of peace.

THE JUNIOR RED CROSS AND EDUCATIONAL PROBLEMS

The XVIIIth International Red Cross Conference,

(a) recommends that the National Societies formulate, in collaboration with teachers in primary and secondary schools, in technical and professional schools, appropriate programmes for the Junior Red Cross Sections, namely programmes for children attending elementary and primary schools, other programmes for adolescents, taking into account the social and psychological tendencies peculiar to the respective age groups,

recommends further to National Junior Red Cross Sections that they appeal for suggestions from the Juniors themselves, and carefully consider their wishes in order to adapt programmes to their spontaneously expressed interests ;

(b) considers it a paramount duty to express to educational authorities, to inspectors of schools, and to countless schoolmasters and schoolmistresses in both primary and secondary schools, the deep gratitude of the International Red Cross for the kindly, comprehensive and generous assistance which they have never ceased to give to the activities of the Red Cross and its Junior Sections,

asks them to continue to give their active collaboration and sympathy.

38.

EXCHANGE OF VISITS BETWEEN JUNIOR RED CROSS SECTIONS

The XVIIIth International Red Cross Conference,

recommends to all National Junior Red Cross Sections that they increase to the limit of their financial resources the international exchange of visits between Junior groups,

reminds such organizations that to contribute successfully to the ideals of international friendship these visits must be prepared carefully and well in advance,

invites the Junior Red Cross Bureau of the League of Red Cross Societies to promote such exchange visits, particularly by providing to National Sections all the pertinent documentation at its disposal.

39.

INTERNATIONAL JUNIOR RED CROSS CENTRES

The XVIIIth International Red Cross Conference,

noting the encouraging results achieved by the international training centres organized under the auspices of the National Junior Red Cross Sections of the Netherlands, the United Kingdom and France, at Woudschoten, Barnett Hill, and the Château des Mesnuls, respectively,

recommends to National Sections in general, and particularly to Sections situated in the same geographical region, that they study the possibility of organizing similar centres,

invites the Junior Red Cross Bureau of the League of Red Cross Societies to give all possible technical assistance to such studies, to ensure the co-ordination of the preliminary work, and to distribute all useful information among National Sections.

CO-OPERATION OF ADULTS AND YOUNG PEOPLE
IN THE RED CROSS

The XVIIIth International Red Cross Conference,

considering that the Junior Red Cross can prosper only if it is an integral part of the Red Cross,

considering that in certain countries the adult Red Cross continues to display indifference and in some cases lack of understanding towards Junior Red Cross Sections,

considering that it is dangerous to create or to maintain limits or dividing lines between the Junior Sections and the adult committees,

considering further that it is indispensable that Juniors and adults be brought together in common activities,

draws the attention of National Societies to the present difficulty of recruiting active Red Cross voluntary workers,

considering that, although the Red Cross can number in its ranks many members of long standing, faithful to its tradition of devotion, as well as members of the Junior Sections, it cannot be denied that there is between these two groups of active supporters a gap which will widen and which can be filled only by the immediate admission and complete and unreserved assimilation of former members of the Junior Red Cross into all committees and sections of National Societies,

calls the attention of National Societies to the danger that may result from the attitude, sometimes negative, or lacking in understanding, of certain National Societies with regard to the Junior Red Cross.

41.

CONTACTS BETWEEN THE JUNIOR RED CROSS
AND INTERNATIONAL YOUTH ORGANIZATIONS

The XVIIIth International Red Cross Conference,

approves the policy followed to date by the Secretariat of the League of Red Cross Societies, and its Junior Red Cross Bureau, in their relations with international youth organizations, or organizations interested in youth problems,

recommends that the League of Red Cross Societies maintain and develop contacts with all such organizations, governmental or non-governmental, for the following purposes :

(a) to propagate humanitarian principles as provided for in fundamental principle No. 4 adopted by the Board of Governors of the League of Red Cross Societies, in 1948,

(b) to make known the activities of the Red Cross and of the Junior Red Cross in ever wider circles,

recommends that permanent collaboration of a practical nature be established or developed with international youth organizations of an entirely technical and non-political character,

recommends that the League of Red Cross Societies maintain regular contact and exchanges of experience with the various international youth organizations when called together annually by UNESCO,

recommends that the Junior Red Cross Bureau of the League of Red Cross Societies continue exchanging publications with international youth organizations and organizations interested in youth problems for the purpose of informing national Junior Red Cross Sections of the development and achievements of certain organizations,

recommends that the National Sections of the Junior Red Cross, insofar as the fundamental principles are observed, collaborate on a practical basis with certain organizations, for example by giving first aid and home nursing courses to other youth organizations.

42.

RESPONSIBILITIES OF THE RED CROSS TOWARDS THE JUNIOR RED CROSS

The XVIIIth International Red Cross Conference,

recalling Resolution 62, adopted at the XVIIth International Red Cross Conference, held in Stockholm in 1948, as well as Resolution No. 2 adopted by the Executive Committee of the League of Red Cross Societies at its meeting of December 1951, and later ratified by the Board of Governors in Toronto in July 1952,

considering the fundamental importance of the role of the Junior Red Cross as regards the existence and future expansion of the Red Cross,

bearing in mind that the Junior Red Cross is an integral part of the Red Cross,

urges National Societies :

(a) to take all necessary steps in order to ensure the most extensive possible distribution of information concerning the objectives, principles, methods and concrete achievements of the Junior Red Cross, in particular by contacts with governmental authorities, school commissions, teachers' professional organizations, parents' associations, etc., and by radio talks, various publications, reports in the daily press and periodicals, televised publicity meetings, organization of competitions and public demonstrations, etc.,

(b) to finance to the greatest extent possible the regular publication either of a single magazine or of two separate magazines, one of which will be for Juniors of primary and elementary schools, and the other for adolescents, in order to establish and maintain liaison between members of the Junior Red Cross,

(c) to promote the maximum direct and effective participation of Juniors in the daily responsibilities of the Red Cross and call upon them to give advice and make suggestions concerning drafting and implementation of practical programmes conforming to their spontaneous psychological interests,

(d) to devote special attention to the training of officers with a view to selecting the most qualified,

(e) to entrust the direction of the National Junior Red Cross Section to someone who has a dynamic personality and who is aware of the needs of the Juniors and able to take bold initiative; and to ensure him employment conditions worthy of his duties, which are of vital importance for the very future of the Red Cross.

43.

APPOINTMENT OF MEMBERS OF THE STANDING COMMISSION OF THE INTERNATIONAL RED CROSS

The XVIIIth International Red Cross Conference,

appoints as members of the Standing Commission of the International Red Cross for the period 1952-1956: The Hon. Rajkumari Amrit Kaur (India), H. E. Ambassador A. François-Poncet (France), Mr. James T. Nicholson (U.S.A.), Prof. Boris Pachkov (U.S.S.R.), Mr. Tom W. Sloper (Brazil).

44.

PLACE AND DATE OF THE XIXTH INTERNATIONAL RED CROSS CONFERENCE

The XVIIIth International Red Cross Conference,

gratefully accepts the invitation of the Indian Red Cross to hold the XIXth International Red Cross Conference in India,

leaves it to the Standing Commission of the International Red Cross to fix the date of this Conference.

* * *

VOTES OF THANKS

The XVIIIth International Red Cross Conference,

at the closing of its deliberations, hereby solemnly records its respectful appreciation to Her Majesty the Queen, patron of the Canadian Red Cross Society, for the gracious message which she was pleased to extend on the occasion of the opening of the Conference.

The XVIIIth International Red Cross Conference,

at the closing of its deliberations, hereby records its deep appreciation to His Excellency the Right Honourable Vincent Massey, Governor General of Canada and President of the Canadian Red Cross Society, for having honoured the Conference with his presence and for presiding at its official opening.

The XVIIIth International Red Cross Conference,

hereby records its appreciation and thanks to the Canadian Red Cross Society for its warm hospitality on the occasion of the Conference, for the efficiency of its organization, for the assistance received from all its committees including the Junior Red Cross, and for the excellent arrangements made for the entertainment of all those who were present.

The XVIIIth International Red Cross Conference,

recognizing the excellent services rendered by the volunteers of the Canadian Red Cross Society at this Conference, the self-sacrificing attitude of these volunteers and the willing co-operation displayed by them on all occasions during the Conference,

realizing the personal sacrifice made by such volunteers in order to be present and to assist the Conference in its deliberations,

records its deep appreciation and thanks to the volunteers of the Canadian Red Cross Society.

The XVIIIth International Red Cross Conference,

expresses its gratitude to the Prime Minister and the Government of Canada for the co-operation and valuable assistance received in the organization of the Conference and the hospitality extended on Canadian soil to all members of the Conference.

The XVIIIth International Red Cross Conference,

wishes to express its thanks to the Prime Minister and the Government of Ontario for their hospitality, and for welcoming the Conference at a dinner on Friday, August 1st, 1952.

The XVIIIth International Red Cross Conference,

extends its thanks to His Worship the Mayor and the Corporation of the City of Toronto for their welcome, and for the Civic Luncheon tendered to the Conference on Saturday, July 26th, 1952.

The XVIIIth International Red Cross Conference,

hereby records its appreciation and thanks to the following organizations which by their generosity enabled the Conference to effect its work efficiently and expeditiously, thereby greatly contributing to its success :

Associated Screen News Ltd. (Projection equipment and films)	Robert Simpson Co. Ltd. (Decorations)
Canadian Press (Teleprinter)	Royal Canadian Corps of Signals (Simultaneous Interpretation Service)
Canadian Broadcasting Corporation (Radio Broadcasting Facilities)	Royal Canadian Engineers (Simultaneous Interpretation Service)
Dictaphone Corporation, Limited (Dictating machines and transcription equipment)	Royal York Hotel (Public meeting space ; office furniture)
Famous Players Canadian Corporation (Films)	Simmons & Sons Ltd. (Flowers and floral decorations)
Gestetner (Canada) Ltd. (Duplicating service)	Sonograph, Limited (Recording Service)
Government of Canada (Post Office)	T. Eaton Company, Limited (Decorations)
Halliday Co. Ltd. (Public Address System)	Toronto Convention and Tourist Association (Registration and Accommodation)
International Business Machines Company Ltd. (Simultaneous Interpretation Service ; typewriters)	Underwood Limited (Typewriters)
Mitchell, Houghton Limited (Office Furniture)	United Nations Honor Flag Committee
National Film Board (Films)	Mr. Brooks Harding, Chairman (National Flags)
Remington-Rand, Limited (Typewriters)	University of Toronto (Convocation Hall ; Hart House)
Reeves & Sons (Canada) Ltd. (Junior Red Cross Art Exhibit Mounting)	

it further records its appreciation to the many organizations and business institutions which kindly lent the services of members of

their staffs to the Canadian Red Cross Society, and of the effective services which were thus provided.

The XVIIIth International Red Cross Conference,

wishes to record its high appreciation of the generous hospitality and entertainment on the occasion of the Conference extended by private citizens and business institutions which contributed so notably to the enjoyment of all who attended the conference and which served to make their stay a memorable one.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

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INTERNATIONAL COMMITTEE OF THE RED CROSS

COMMENTARY ON THE FIRST GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF 12 AUGUST 1949¹

In the light of their essential purpose, which is the defence of the human individual in time of war, the Geneva Conventions of 1949 were drawn up in such a form as to make them intelligible to everyone everywhere. That is one of their chief characteristics, and cannot be sufficiently emphasised.

It is none the less easy to appreciate the value of a Commentary on this vast corpus of rules and regulations. The perusal or study of the Conventions will be increasingly valuable in proportion as the underlying reasons for their elaboration are made known. They must, if their full meaning is to be appreciated, be considered in connection with the manifold efforts to ameliorate the condition of war victims, of which they are the embodiment. They must be judged in the light of the experience of the world wars, and of the effects on the previous Conventions of the "ordeal by fire". They further postulate a knowledge of the discussions of the conferences of experts, and especially of the Diplomatic Conference, of which the 1949 texts are the fruits and in some sort the explanatory statement. The connections between the different provisions of the Conventions, and the light they throw on the meaning of the latter, are also pre-requisites to their understanding.

¹ Les Conventions de Genève du 12 août 1949. *Commentaire* publié sous la direction de Jean S. Pictet, directeur des Affaires générales du Comité international de la Croix-Rouge. — I. La Convention de Genève pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne. Genève, Comité international de la Croix-Rouge, 1952. — In-8 (155 × 230), 542 p.

The International Committee of the Red Cross accordingly thought it desirable—and was confirmed in its impression by the number of enquiries addressed to it—to undertake a Commentary of the new Conventions, over and above the pamphlets it had already published with a view to their publicity. The work on the subject, which was bound to take some time, was naturally entrusted to those of the Committee's staff, who had been engaged since the close of the last world war, and even before, on the preparation of revised texts, and had been closely associated with the discussions of the Diplomatic Conference of 1949 and with the meetings of experts by which the latter was preceded.

The Commentary on the First Geneva Convention of 1949 has now just been published ; and the International Committee was able to give the first copies to the Delegations taking part in the International Red Cross Conference at Toronto. The volume is a thick one of 542 pages. It analyses in comprehensive form the provisions of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, i.e. the traditional " Geneva Convention " of 1864, now in its third revised form. It accordingly supplements the Commentary on the 1929 Convention of that distinguished and devoted specialist on the subject, the late Paul des Gouttes, Secretary General and Member of the International Committee. The substance of des Gouttes' Commentary is embodied in the new volume in so far as it is still in accordance with existing conditions.

The First Geneva Convention is of capital importance as being the starting point of the whole movement of international law for the protection of war victims, as embodied in the corpus of the Geneva Conventions. It is moreover the fundamental charter of the national Red Cross Societies.

The present Commentary accordingly affords an analysis of the provisions for the protection of the sick and wounded of armed forces, of their treatment, of the respect for the dead, the protection of hospital establishments, units and zones, the status of the medical personnel of armies and of Red Cross Societies, and their possible retention by the enemy (on which

there has been so much acute controversy), the fate of medical material, vehicles and aircraft, the use of the red cross emblem and its defence against abuse.

But the Commentary has other aspects of interest and significance. It goes beyond the scope of the subjects hitherto traditionally covered by the First Convention. It is common knowledge that it was decided in 1949 to include new and identical provisions of a purely general character in all four Conventions. These provisions, as they appear in the First Convention, are also the subject of study in the Commentary ; and what the Commentary has to say about them may be taken to apply to a great extent to the other three Geneva Conventions. They deal for example with the application of the Conventions in different forms of conflict, including civil wars, with the supervision of the Conventions by the Protecting Powers and their substitutes, with the penal sanctions imposed on the authors of infractions—all of which subjects are of current interest to wide circles.

The Commentary on the First Convention is mainly from the pen of M. Jean S. Pictet, Director of General Affairs of the International Committee of the Red Cross, with the help of MM. F. Sordet, C. Pilloud, J.-P. Schoenholzer, R.-J. Wilhelm and O. Uhler. An English translation of the work will appear shortly.

The Foreword to the Commentary states that "The International Committee hopes that this Commentary will be of service to all who, in Governments, armed forces, and National Red Cross Societies, are called upon to assume responsibility in applying the Conventions, and to all, military and civilians, for whose benefit the Conventions were drawn up. It also hopes that by publishing this study it will help to make the Conventions widely known—for that is essential if they are to be effective—and so spread the influence of their principles throughout the world".

HENRI COURSIER

*Member of the Legal Service
of the International Committee of the Red Cross.*

THE PROHIBITION OF TORTURE

(being a contribution to the Commentary on Article 32 of the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War)

Torture is so odious a form of outrage in relation to the individual as to be inconceivable except in connection with (alleged) claims of the community, e.g. in the case of judicial torture, to which resort is had in order to prove or to prevent crime. Judicial torture is a form of penal proceedings. It is open to question both on ethical grounds and in regard to its efficacy.

There is another form of torture however, which cannot even claim to serve for the protection of the community, and is merely an abusive employment of force without public authority against individuals to compel them to commit acts against their will. Such forms of torture occur in connection with common brigandism or outrages committed during disturbances.

Torture has prevailed more or less generally in history in the different countries of the world, its extent varying according to the views held in regard to the respect of the human person.

In the civilised countries of Europe judicial torture was abolished towards the end of the 18th century. Other forms of torture seemed to have disappeared with the memories of the Thirty Years War and the exploits of Cartouche, Mandrin and their kind, only to appear once more in the present era in connection with racial and political persecutions which have shocked the conscience of the world.

It is proposed at this point to give a brief sketch of the problem of torture in its relation to the traditions and activities

of the Red Cross. Ample use will be made in connection with the history of the subject of the work of M. Alec Mellor, Advocate at the Paris Court of Justice, and the author of an intrepid arraignment of torture¹. We shall then indicate some of the ethical considerations, which led the International Committee of the Red Cross to present to the XVII International Red Cross Conference in July-August 1948 the text, which a year later was amended by the Diplomatic Conference of Geneva to become Article 32 of the Convention for the Protection of Civilian Persons in Time of War, which was signed by sixty-one States. In conclusion we shall refer to the possible influence of this Convention in the drawing up of the Universal Declaration of Human Rights, approved and proclaimed by the United Nations General Assembly on 10 December 1948, which also (Article 5) solemnly declares the abolition of torture.

* * *

In ancient times, both in Greece and in Rome, torture was associated with the institution of slavery (and also with the status of foreigners): citizens were exempt. There could be no better gauge of the aristocratic character of ancient communities. The most famous democracies of antiquity, in whose name the liberties of the present day were proclaimed, limited complete legal capacity to a very small number of persons. The multitudes of slaves (originally prisoners of war) were treated like beasts of burden and deprived of all rights. The same applied to foreigners. The *Jus Quiritium*, applicable to citizens only, prohibited their being put to torture. St. Paul, on the point of being tortured, proudly protested that he was a Roman citizen, and his torturers at once stayed their hand.

With the close of the Roman Republic however the Empire by the *Lex Julia majestatis* (of which it is not known whether Caesar or Augustus was the author) established the *crimen majestatis*, which suspended the citizen's immunity from torture

¹ Alec MELLOR, *La Torture*, in « Les horizons littéraires », 9 rue Clairaut, Paris, 1949.

whenever the security of the State was involved. It was a dangerous principle which, in spite of the spread of Christianity in the Roman world, was to lay the foundation for the police excesses of the Emperors of the Later Empire.

Now begins the conflict between reasons of State on the one hand, which sacrifice the individual, and religion on the other hand, which protects him on the ground of the dignity attaching to him as a being created in the image of God and redeemed by the blood of Christ. In the early 5th century St. Augustine¹ writes: "When a judge tortures an accused person for fear of sending an innocent to death by mistake, he is causing, in woeful ignorance, the death of a man both innocent and tortured whom he tortures in order to prevent his dying innocent." The principal argument of the Bishop of Hippo against torture is that it is a penalty in itself and, even if the accused person is guilty and is sentenced accordingly, he suffers both the penalty attaching to the crime and the torture, while, if he is innocent, the torture is an unwarranted punishment. Such is the attitude of the great precursor of medieval scholasticism; and we have here the origin of the theories of the canonists, which are much more reserved than those of the secular legislators, on the subject of torture, in spite of the moral value attached by the Church to the principle of confession. Such is the moderation of Canon Law. To the Gospel and also (to the honour of Israel, be it said) the Mosaic Law torture was quite unknown. In 866 Pope Nicholas I wrote to Boris, Prince of Bulgaria as follows: "I know that after catching a thief you put him to torture until he confesses; but no law either of God or man justifies such a practice. Confession should be spontaneous, and not extorted by force. If the torture yields no proof, are you not ashamed? Do you not recognise the iniquity of your action? If the sufferer, lacking the strength to resist the torture, confesses to the crime without being guilty, who then is guilty of the crime, if it be not he who forced the false avowal?"²

¹ *De civitate Dei*, XIX. 6.

² Quoted by MELLOR, *op. cit.*, page 123.

At the time of the Crusades, in spite of great bloodshed and indescribable cruelties, torture and mutilation were on principle forbidden ¹.

With the formation of modern States the authority of the Roman Law, revived by the jurists in the interests of the civil power, prevailed over the precepts of the Christian hierarchy. Justinian, codifying Roman law at the close of the 6th century, reverted to the *Lex Julia majestatis* (*Digest*, XVIII, 4), and attached to it an inquisitorial machinery, to which the Bologna school had recourse for the technique of torture in the 13th century. The *De quaestionibus*, a doctrinal treatise on the subject of which the civil power made use, contained a certain number of rules which became part and parcel of criminal procedure, so that we find that, always in accordance with the *Digest*, "one starts with the most timorous or the youngest of the accused, and torture will not be applied except on strong presumptions."

The development of torture was particularly marked in Italy. The dramatic sessions of the Council of Ten in Venice are notorious. Incidentally, it is interesting to note, Macchiavelli, the master-theorist of the absolute authority of Princes, had himself to submit to the torture.

In England on the contrary, where the royal prerogatives were early disputed and the rights of the subject were proclaimed by the Great Charter in 1215, torture was never in use. Henry VIII, Elizabeth and Cromwell had recourse to torture on occasion, but only (the English historians are careful to point out) "as a part of the machinery of State and not as an instrument of the Law" ². Apart from these exceptions, British tradition remained resolutely opposed to torture. During the Felton trial (1628) the Judges resolved that it would be illegal to put the accused to the rack, since no punishment of that description was known to, or authorised by, the law. In 1679 the promulgation of the Habeas Corpus Act on

¹ See on the point an article entitled *Etudes sur la formation du Droit humanitaire* in the « *Revue internationale de la Croix-Rouge* », July 1951, page 570.

² BLACKSTONE, *Commentaries of the Laws of England*, 23, No. 3.

the liberty of the individual by Charles II definitely confirmed this doctrine, and torture was unknown in England at a time when it was rife elsewhere.

In Spain the use of torture was specially concerned with the extirpation of heresy and the proceedings of the Inquisition. The Church has often been unjustly blamed for this institution. Although its object was the repression of confessional " crimes ", and it was in consequence based on theological principles, the Inquisition was in reality a political weapon in the hands of the civil power. In 1478 the " Catholic Kings " made a radical change by giving it as its principal organ the Council of the Suprema, which was a royal council, and by leaving prosecutions to the Fiscales, who were royal officials. Torquemada had to defend himself in Rome against the extremely bitter complaints which were lodged against him ; and in 1519 Pope Leo X actually excommunicated the Inquisitors of Toledo.

When the King of Spain in the person of Charles V assumed the imperial power in Germany, he regulated torture by the *Constitutio criminalis Carolina* (1532), which exempted sexagenarians, children under 14 years of age and pregnant women from torture, though children under 14 could be flogged " in moderation ". Luther's Reformation did nothing to change the established ideas concerning torture. On the contrary it lent them the authority of the great Reformer in connection with the repression of sorcery. The Protestants burned after torture just as many sorcerers as the Catholics, both sides being actuated by the belief that in these unfortunate people they were harrying the Devil himself and the earthly manifestations of his terrible power ¹.

In France such an eminent jurist as Jean Bodin had no hesitation in conforming to the prevailing ideas. For the torture of sorcerers he recommended the " Turkish Bane " (which meant, tearing their nails out) as being superior to any other form. Soon however the moralists began to lift their voices in protest. In a celebrated passage of the *Essais* (Book II, Chapter V) Montaigne wrote : " Torture is indeed

¹ See Th. DE CANZONS, *La magie et la sorcellerie en France*, III, pages 61-66.

a dangerous invention. It is a trial of endurance rather than truth : for both he who can endure it and he who cannot conceal the truth. Why should pain make me confess what is, rather than make me say what is not, true? ... It seems to me that this invention depends upon the strength of conscience, inasmuch as it seems to weaken the conscience of the guilty and on the other hand to strengthen the innocent to bear the pain. Truly it is a most uncertain and dangerous means. What would a man not say to escape such great dolour? *Etiam innocentes cogit mentiri dolor.* Thus it comes to pass that he, whom the Judge hath tortured so as not to let him die innocent, is made to die both innocent and tortured."

It is curious to note how Montaigne here repeats (in identical terms) the argument of St. Augustine. As to the moral argument—well placed in this chapter, which is headed "De la conscience"—that a good conscience withstands the effect of torture, while a bad conscience is a factor tending towards avowal, it is evident that Montaigne does not press this point : he puts it only as a point against the advocates of torture. His real argument against them is based on the ineffectiveness of torture. Montaigne's opinion is at the origin of the movement against torture, which developed in France in opposition to the Justice Courts (Parlements). The latter upheld it on the authority of the Roman Law ¹.

Torture was regulated in France by the fundamental laws (*ordonnances*) of 1498 and 1549, and in particular by the Grande Ordonnance of 1670, which is really a code of criminal procedure. It stipulates that for recourse to torture the offence must be evident, and there must be "considerable proof" (Chapter XIX, Article 1). Moreover, the torture may not take place except on an initial warrant issued by the Court after careful deliberation. Torture was classified as "ordinary" or "extraordinary" according to the degree of its severity. The Judge had at all times full powers to graduate the degree of torture. There was a further distinction between "prepa-

¹ Montaigne was himself a Counsellor of the Bordeaux Parlement ; but this was not the only issue on which he showed himself to be in advance of his time.

ratory" torture, the purpose of which was to wrest from the accused an avowal of his crime, and "preliminary" torture, which was only applicable to convicted persons in order to force them to divulge the names of their accomplices.

In 1695 President de Harlay, when passing through St. Pierre-le-Moustier, had a fancy to inspect the places where these operations of justice took place. "He was much surprised to see the enormous size of the weights to be attached to the feet and hands of persons undergoing torture, who were at the same time raised to a height of 22 to 23 feet. On being questioned, the officers of the Bailliage, the Civil Lieutenant and the Criminal Assessor had to admit that two accused persons (one of them a woman) had died in the process¹." The Paris Parlement consulted the tribunals under its jurisdiction; and memoranda from Saint-Dizier, Chartres, Blois, Orleans, Montargis and Beaugé all urged the mitigation of torture. Certain changes were then made, which proved the forerunners of the great current of opinion which in the next century was to do away with torture altogether.

In Russia the movement was slower, and torture continued to be in high esteem, so much so in fact that Peter the Great had no hesitation in torturing his own son on a charge of having fomented a rising for the repeal of the reforms. Under the knout the Tsarevitch made a false confession. In the words of Voltaire²: "This last statement of the Prince has a very forced appearance. He seems to make efforts to prove himself guilty; and what he says is contrary to the truth on one capital point... In his last confession he seems to be afraid he did not accuse himself sufficiently in the earlier confessions, or bring out his real guilt by merely describing himself as 'bad-tempered' and 'evil-minded' and by imagining what he would have done, had he been the master. He laboriously sought to justify the sentence of death which was to be pronounced... In any case his sentence of death was unanimous... Of the

¹ Alec MELLOR, *op. cit.*, page 113.

² VOLTAIRE, *Histoire de Russie sous Pierre le Grand*, Chapter X, pages 472 ff.

hundred and forty-four judges, not one was prepared even to consider a lesser penalty than death."

"An English publication", Voltaire adds, "which attracted much attention at the time, said that, if such a case had been tried by the English Parliament, there would not have been a single one of the hundred and forty-four judges who would have imposed any penalty at all, however slight".

These events occurred in 1718. They were only a little anterior in date to the period when enlightened opinion made itself heard throughout Europe—in Russia, as elsewhere—against torture. The "Philosophers" of the Encyclopedia attacked the criminal procedure of their time, not only on account of its ineffectiveness, but also on ethical grounds. They evoked the great name of Nature, which for minds disabused of religious beliefs was the keystone of the social structure. Montesquieu said¹: "So many clever people and men of great genius have declared against this practice that I hardly dare to speak after them. Otherwise I might have said that torture may be the proper thing under despotic governments which rule by fear. I might have said that the slaves of the Greeks and Romans... but I hear the voice of Nature raised against me!"

The great theoretical advocate of the abolition of torture was Beccaria. In his *Traité des délits et des peines* published in Milan in 1764 he repeated systematically in eloquent language all the classical arguments. "Torture", he wrote, "is a penalty disguised as a form of enquiry, and no man should be penalised before being judged... Either the offence is proved, or it is not. If it is proved, he needs no other punishment than that which is inflicted by the law. If it is not proved, it is shameful to torment an innocent man." And again he says: "To make pain a test of truth is an unfailing means of acquitting the robust rascal and condemning the innocent weakling."

But it was above all Voltaire, who in a large number of his works repeatedly attacked the institution of torture with pitiless sarcasm, and in the end definitively discredited it.

¹ MONTESQUIEU, *Esprit des lois*, VI, 17.

One after another the principal Sovereigns of Europe, who made it a point of honour to declare themselves "philosophers" and to correspond with the Encyclopedists and Voltaire, abolished torture.

Frederick II did so as early as 1740. In his *Dissertation sur les raisons d'établir et d'abroger les lois* he said (in French): "Nothing is so cruel as torture. The Romans inflicted it upon their slaves, whom they looked upon as a species of domestic animal: no citizen was ever subjected to it. May I be pardoned if I protest against torture! I venture to side with Humanity against a practice which is the shame of Christians and of all social peoples and, I may add, a practice as useless as it is cruel." This last point reveals the macchiavellian spirit of this Prince. He had written in a very different sense to Voltaire in 1777: "In regard to torture, we have entirely done away with it, and for thirty years it has ceased to be in use. There may however be justification for exceptions in republican States in the case of crimes of high treason—for instance, if there were in Geneva citizens wicked enough to plot with the King of Sardinia against their fatherland. Supposing one such conspirator were to be discovered, and it became necessary to ascertain the names of his accomplices, in order to get at the root of the conspiracy, I believe that in such a case the public welfare would call for the torture of the culprit."

In Sweden torture was abolished in 1734, but remained in use for certain serious cases. Gustavus III suppressed the last vestiges of the practice, when he closed the "Vault of Roses" in 1772.

The Empress Maria-Theresa, on becoming an adept of "enlightened despotism", forbade the use of torture in her dominions, but did not abolish it in law.

Catherine II, also under the influence of the "Philosophers", published several notes on the forms of criminal justice, in which she expressed herself emphatically in favour of the abolition of torture¹.

Meanwhile in France torture still remained in force thanks

¹ It was not abolished however until 1801 by a ukase of Alexander I.

to the support of the Parlements. But the day arrived when Louis XVI at last put an end to it, actuated not by "philosophical" motives but by a generous impulse. On 24 August 1780, the eve of the Feast of St. Louis, he suppressed "preparatory" torture in celebration of his birthday. Finally on 8 May 1788 at a *lit de justice* he overrode the resistance of the Parlement, and suppressed "preliminary" torture. These two measures were confirmed by a Decree of the Constituent Assembly of 8 and 9 October 1789. It was thus thanks to the last Sovereign of the *ancien régime* that the new and more humane era opened. In spite of its excesses and its acts of cruelty the Revolution respected these decisions, and even the Reign of Terror was without torture.

The Declaration of the Rights of Man and of the Citizen, based like all the Revolutionary legislation on the individualist ideology, inspired the successive Constitutions in France ; and, when the Empire proceeded to distil the essence of the vast political and moral ferment of those troubled times, it promulgated a Criminal Code, which lays down (Article 186) that : " When an official, a public officer, an administrator, an agent or superintendent of the Government or of the Police, an executor of judicial orders or sentences, a superior or inferior public servant uses, or causes to be used, violence, without legitimate cause, against persons in the exercise of, or in connection with, his functions, he shall be punished according to the nature and gravity of his violence, the penalty being graduated in accordance with the regulation prescribed in Article 198 hereafter." The celebrated Chief of the Imperial Police, Fouché, never employed torture. From this time onwards torture may be taken to have definitely ceased in France. No subsequent regime reversed this development ; and it may be said that the spirit of Article 186 of the Criminal Code is characteristic of the judicial system, which spread over all Europe during the 19th century.

* * *

The present age has seen the revival of torture, and in a form even more horrible than in past centuries.

On the one hand scientific progress has made it possible to effect a more subtle variation of the different forms of torture up to the extreme limit of the victim's strength. Use of the electric current is especially favoured.

On the other hand it would seem that human sensitiveness, and *pro tanto* the liability to suffering, has increased in present day societies. The use of drugs like antipyrin and aspirin have for years past made the human frame independent of nervous suffering. The use of anaesthetics in surgical operations has eliminated occasional sufferings. In the past dental decay caused pain, for which there was no remedy other than the loss or extraction of the tooth: today there is hardly anyone who cannot obtain treatment almost without pain. Mankind has become accustomed to this elimination of suffering to such an extent that we can hardly believe what seem to us the astonishing accounts of Napoleon's Grande Armée in Russia. We read, for example, that Larrey "would dislocate the shoulder of a wounded man, sitting on a drum, without even making him lie down, and the patient would say nothing... perhaps make a face for a moment". Professor René Leriche, who reports this story, concludes that "the sensitivity to pain of present day man is more refined and more subtle than that of his predecessors in the past" ¹.

This conclusion intensifies pity, for the torture of the present day fills us with even greater horror than the torture of antiquity. "Pity", writes Bergson ², "consists in putting oneself in the place of others, and suffering in their sufferings. But if, as some have maintained, pity was nothing more than this, it would incline us to shun the afflicted rather than to succour them, for all suffering naturally fills us with horror. It is possible that this feeling of horror is at the origin of pity; but a new element soon mixes with it—an urge, namely, to help our fellow-men and alleviate their suffering. We may think with La Rochefoucauld that this so-called fellow-feeling

¹ René LERICHE, *La Chirurgie de la douleur*, Paris, 1937, pages 52-149.

² Henri BERGSON, *Essai sur les données immédiates de la conscience*, page 14.

is a calculated feeling, 'a shrewd forecast of evils to come'; and it is possible that fear has in fact something to do with compassion. But these aspects of pity are not its higher aspects. True pity consists less in shrinking from suffering than in desiring it. The desire may be slight: its fulfilment may hardly be welcome: but one forms the desire in spite of oneself, as if Nature had done some great wrong, and all fear of complicity with her had to be removed. The essence of pity therefore is a craving for self-humiliation, an aspiration towards belittlement. This painful aspiration has incidently its charm, inasmuch as it raises us in our own esteem, and makes us feel superior to those material objects, from which our thoughts are thus momentarily detached."

This admirable analysis well defines the spirit of the Red Cross, and helps us to understand the devotion of pioneers of relief work like Florence Nightingale and Henry Dunant. As the same feelings animate those who are called to follow the example of these pioneers, the Red Cross could not possibly remain indifferent to the revival of torture.

But there is more to it than that. Torture calls in question the fundamental rights of man. If then it is true that the idea of respect for the human person is at the base of humanitarian law, how could the Red Cross do otherwise than raise the question, and show in what way torture is contrary to the very fundamentals of this law?

From the moral point of view torture degrades the person who inflicts it, and even more horribly the person on whom it is inflicted. Certain scientific discoveries have made it possible to violate the very secrets of conscience, and by means of the action of barbiturate substances such as pentothal to force avowals of tendencies and conceptions which the will had always resisted. Instead of judging a man by his acts, the modern torturer probes his secret sentiments. Professor Graven of Geneva University has shown that the "right to silence" is one of the attributes of personality¹. We may go further and say that torture deprives its victims, not only

¹ J. GRAVEN, *L'obligation de parler en justice*, published by the Faculty of Law of Geneva University, 1946.

of their prerogatives as human beings, but also of their powers of resistance to self-inflicted dishonour and degradation.

Prominence was given to this aspect of the problem in a Report addressed by Me Joseph de Coulhac-Mazerieux to the French Bar Council (*Conseil de l'Ordre des Avocats*)¹. "The Bar Council", he wrote, "has the duty of ensuring respect for this 'inviolability' of the human person, which is one of the established principles of our liberal and individualistic juridical system. When we speak of the inviolability of the human person or of the 'right to personal inviolability', it must be understood that for the jurist 'the human person is inseparably body and soul', as Professor Carbonnier felicitously puts it... When guilt is in cause, doubt in the minds of those with whom it rests to investigate and to judge is so unbearable that, to overcome it, they are sorely tempted to have recourse to exceptional measures of force and coercion. It is from this temptation and from its inevitable concomitant misuse that the individual must be protected. It is for the law, and the law alone, to arbitrate when the conflicting rights of the individual and of society are in question. The law has regulated arrest, search of the arrested person, detention pending trial and imprisonment. It has laid down the limits for lawful coercion, whether physical or moral. Beyond those limits any coercion is arbitrary, and constitutes an abuse and a violation of the law... All violence has disappeared from our Code of Criminal Procedure, and the Judge cannot place beside the pen of his Registrar either the policeman's bludgeon or the psychiatrist's syringe."

Such is the condemnation of torture from the standpoint of the law. For the Red Cross it is a confirmation of their motto "res sacra miser". Any suffering calls for action; but, when suffering is thus glaringly inconsistent with the fundamental rights of the human person, further effort must be made to mitigate it by humanitarian law.

* * *

¹ Report published under date 13 July 1948.

It was with these considerations in mind that the International Committee of the Red Cross was inspired to insert the Article on torture in the draft Convention for the Protection of Civilian Persons in Time of War. As has already been mentioned, the draft was submitted to the XVII International Red Cross Conference at Stockholm in July-August 1948 ; and the text proposed by the International Committee ("Torture and corporal punishments are prohibited") was adopted. Some months later the United Nations General Assembly met in Paris, and on 10 December 1948 "approved and proclaimed" the Universal Declaration of the Rights of Man "as a common standard of achievement for all peoples and all nations"... This Declaration also condemned torture. Its fifth Article stated that : "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

It remained to introduce these texts into positive law. This was done in the case of the humanitarian Convention by the Diplomatic Conference which met in Geneva in April 1949. It took the Stockholm text, as submitted to it by the Swiss Government, and made it in amended form into Article 32 of the Civilians Convention. It reads in its final form as follows :

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents."

At the Geneva Conference discussion on this important Article was opened by the Soviet Delegation, which said in substance : "The crimes committed against the civilian population during the last World War will for ever be remembered by the whole world as one of the most grievous stains on the history of mankind." The Soviet Delegation estimated the number of civilian persons exterminated in Europe alone during the Second World War at more than 12 millions, and suggested that the Article should brand as

“serious crimes” all infractions of this prohibition, and establish rigorous penalties for such crimes. The United States Delegation paid tribute to the humanitarian character of the Soviet proposal, and was itself in favour of sanctions, but would prefer to include the provisions for the purpose in the part of the Convention which dealt with sanctions. It was decided accordingly.

Torture is thus placed amongst those crimes which constitute an attack on the fundamental rights of the human person.

A draft preamble giving prominence to these fundamental rights had been drawn up by the French Delegation, seconded by the Finnish Delegation, with a specific reference to torture. It ran as follows :

“The High Contracting Parties, conscious of their obligation to come to an agreement in order to protect civilian propulations from the horrors of war, undertake to respect the principles of human rights which constitute the safeguard of civilisation and, in particular, to apply, at any time and in all places, the rules given hereunder :

.....

“(4) Torture of any kind is strictly prohibited.

“These rules, which constitute the basis of universal human law, shall be respected without prejudice to the special stipulations provided for in the present Convention in favour of protected persons.”

The text was not adopted by the Conference, the latter preferring to do without a preamble ; but the substance of it was incorporated, partly in Article 3, paragraph 1, and partly in Article 147 (“Grave breaches”) which imposes penalties in accordance with the procedure above indicated. There is a specific reference to torture.

In conformity with the Fourth Convention, the three other Geneva Conventions exclude torture in the case of the persons they protect—viz. sick and wounded, shipwrecked persons, prisoners of war (Articles 12 of the First Convention, 12 of the Second Convention and 13 of the Third Convention).

It should be noted however that the Conventions relate only to times of war and to the “protected persons”, i.e. to “non-nationals”. Nationals, i.e. citizens or subjects, remain

outside the Convention, which respects the autonomy of sovereign States, and does not interfere with their domestic affairs.

This limited character of the Conventions draws attention to the need for enforcing the Universal Declaration of the Rights of Man.

But it must be admitted that "reasons of State" still constitute the chief obstacle to the realisation of the ideal proclaimed by the General Assembly of the United Nations.

In any case the Civilians Convention does in a particular case limit the consequences of the power of the State vis-à-vis its nationals. This is in Article 3, where it says that in case of civil war "the following acts are and shall remain prohibited at any time and in any place whatsoever... murder of all kinds, mutilation, cruel treatment and torture".

Consequently, in circumstances when "nationals" are in the greatest danger and within an ace of being treated as rebels, they are expressly protected against torture. That is an important step forward taken by the law of Geneva in support of the rights of man.

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRINCIPAL ITEMS OF INTEREST

Reunion of Families. — From Yugoslavia 194 children belonging to the German speaking ethnical minority in this country arrived on October 16 at the Austrian frontier. Five children, who were to join parents in Austria, France and the United Kingdom then left the convoy, their comrades going on towards West Germany. From there a few children continued on their journey to the East German Republic territory, to join their families.

As on previous occasions a delegate of the International Committee was present on the arrival of the convoy and doctors designated by the ICRC, assisted by a Yugoslav doctor, examined the children. This last convoy makes a total of 1,551 children of the German-speaking minorities who have been united with their families, thanks to the efforts of the ICRC and the Yugoslav Red Cross, assisted by the other Red Cross Societies concerned.

Greece. — From August 3 to October 6 the International Committee's delegates in Athens visited prisons in Argostoli, Corfu, Calamiou, Chania and Aegina, and the Alpha and Eptapyrgion prisons in Salonika. In these various places of detention they distributed 4,870 kgs of relief supplies, consisting in particular of foodstuffs, soap, blankets, medicaments and surgical equipment.

In addition, the anti-tuberculosis campaign, already mentioned in these pages¹ is proceeding normally. The beneficiaries

¹ See *Revue internationale de la Croix-Rouge*, September 1952, (English Supplement) page 244.

are detained or exiled sufferers, or persons who contracted tuberculosis on account of hardships caused by the war or endured in recent years.

Repatriation of Greek Children. — The ICRC and the League of Red Cross Societies have handed to the United Nations General Secretary a fourth General Report on their work in behalf of displaced Greek children. This document, which the *Revue* starts publishing this month, is dated October 1. It is accompanied by a letter (also reproduced in this number) in which the Presidents of the two institutions explain the reasons which have led the ICRC and the League to temporarily suspend their work in this field.

A sixth party of Greek children from Jugoslavia arrived in Salonika on October 2. This convoy was received by the special delegate of the ICRC and the League, the representatives of the Yugoslav and Greek Red Cross Societies and a member of the Swedish Red Cross Mission in Jugoslavia. The 69 children of this party were at once handed over to their parents.

Disabled. — During October the Disablement Section forwarded 120 Braille watches to the ICRC Delegation in Berlin. These were a gift from the International Committee for German warblinded. This Section also dealt with the purchase and despatch of two important consignments of Braille watches for the account of the Union des aveugles de guerre, Paris, and the Groupement des Aveugles d'Algérie.

Moreover, assisted by the Athens Delegation, the Section is still supplying artificial limbs and other apparatus to Greek amputees under detention. In this month thirteen disabled in exile have benefited by this action.

India. — The ICRC recently sent a third gift of medicaments to the Indian Red Cross in Madras to assist persons affected by the famine at present prevailing in Southern India. The value of this consignment was 20,000 Swiss francs.

Indochina. — During the month of September, the ICRC delegate in Vietnam visited 5 prisoner of war and military internee camps in Franco-Vietnamese hands. He distributed some relief supplies to the camp infirmaries.

Dissemination of the Conventions. — The complete text of the 4 Geneva Conventions of 12 August 1949 has been reproduced in volume No. 75 of the Treaty Series, published by the Secretariat of the United Nations in New York. The volume is completed by the Final Record and the Resolutions of the Diplomatic Conference, together with reservations made at the time of signing.

The Pakistan Red Cross Society has informed the ICRC that the Ministry of Defense proposes to make available for the Pakistan army 1350 complete copies and a number of brief summaries of the Conventions.

Television of ICRC films in France. — French television has included in its programme for the first fortnight of November three films of the International Committee: « Inter Arma Caritas », « Homeless in Palestine » and « Brothers all ».

THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND THE KOREAN CONFLICT

It was announced in the Revue internationale de la Croix-Rouge last April that a collection of documents relating to Korea would shortly be published.

These documents have now been published¹; the collection consists of the most important and significant material relating to the efforts made by the International Committee of the Red Cross to give its traditional and impartial assistance to all victims of the conflict in conformity with the Geneva Conventions.

This first volume covers the period from the outbreak of hostilities until 31 December 1951.

A summary of the contents is given below.

On the outbreak of the conflict in Korea at the end of June 1950 the International Committee of the Red Cross approached the two Governments in Pyongyang and Seoul. By a first telegram of 26 June 1950 the International Committee, acting in accordance with its statutes, made the offer of its strictly neutral and impartial services for humanitarian purposes. Referring to the Geneva Conventions of 1929 and 1949, the Committee maintained that the fact of Korea not being party to these international agreements was no obstacle to the *de facto* application of the humanitarian principles set forth therein for the benefit of war victims. The ICRC declared its readiness to send a delegate to each of the Governments to examine the means of taking practical action on the basis of the Geneva Conventions. As the Korean question had since September 1947

¹ *Le Comité international de la Croix-Rouge et le conflit de Corée, Recueil de Documents*, No. 1, 26 juin 1950 — 31 décembre 1951, Genève 1952 In-4 (210 × 300), 255 pages.

been before the United Nations, Mr. Trygve Lie was also informed of these approaches ¹.

On 7 July 1950 the ICRC placed the services of the Central Prisoners of War Agency at the belligerents' disposal ².

Similar approaches were successively made by the ICRC to the Governments of the United States, Australia, the United Kingdom, New Zealand, the Netherlands, Canada, Bolivia, Thailand, Turkey, France, the Philippines, South Africa, Greece, Belgium, Luxemburg, Colombia, Cuba and Ethiopia, as and when military action was taken by the said Governments in the Korean conflict. The Red Cross Societies of these countries were also informed.

On 3 July 1950 the first reply to these notifications reached Geneva, sent by the South Korean Delegate M. Bieri, who had just received from President Syngman Rhee the assurance that these proposals were accepted.

From the other States replies followed, which were duly notified by the ICRC to the North Korean Government. By a communication of July 13, addressed to the Secretary-General to the United Nations, this Government declared that the armies of the People's Republic of Korea would adhere strictly to the principles of the Geneva Conventions in regard to prisoners of war.

One of the International Committee's principal objects in view was to gain access for its delegates to the territories in conflict. By July 1950 it had been possible to set up a delegation in South Korea.

In the case of North Korea the International Committee was (and is still) unable to obtain authority for its delegate to enter the country, despite numerous approaches to the Pyon-

¹ As it had been ascertained that in some circles this offer had been interpreted as an attempt to act in a mediatory capacity, the ICRC specified (by a Press release and a cable message to the United Nations Secretary-General) that the true purpose of its intervention was purely humanitarian in conformity with the Geneva Conventions.

² As the Telegraph Services were not in a position to guarantee the safe arrival of direct messages to North Korea, the ICRC took the extra precaution of requesting the Ministry of Foreign Affairs in the USSR to forward these communications, of which copies were furnished to the Ministry in question.

gyang Government on the subject, and requests to the Chinese and Soviet authorities for transit visas—the most direct route to North Korea being through China or the USSR.

The following paragraphs give a summary of the Committee's principal negotiations with the two belligerent parties, and of the work it has accomplished or the plans it has had in view.

Approach to the two belligerent parties

On four occasions the ICRC found it was necessary to draw the attention of Commanders-in-Chief of the belligerent forces in Korea to the fundamental principles of the Geneva Conventions, and to the Committee's wish to be allowed to fulfil for both sides its traditional humanitarian task for the benefit of victims of the conflict and prisoners of war in particular. Two of these appeals (of 3 July and 6 August 1951 respectively) were more particularly concerned with the armistice talks which had just commenced.

General Ridgway, Commander-in-Chief of the United Nations Forces, assured the International Committee that these two appeals would meet with careful consideration. His reply was communicated to the Commanders-in-Chief of the Republic of Korea Forces and the Chinese Volunteers.

North Korea

The proposals put forward by the ICRC in the telegrams of 26 June and 7 July 1950 were followed by numerous approaches. The most important are described in the following paragraphs.

On 5 August 1950 the President of the ICRC made a personal appeal to the Prime Minister of the People's Republic of Korea, urging the necessity for the application of the 1949 Conventions, to which the North Korean Government had agreed to give strict observance. The telegram also referred to the mission which the ICRC wished its delegates to assume, and urgently requested the Prime Minister to exert his influence to enable them to enter North Korea.

As already stated, the Korean question had been before the United Nations in 1949. On 29 August 1950 the ICRC requested M. Yakov Malik, Acting President of the Security Council, to advise the Council of the steps taken and the negative result. The International Committee was at pains to make clear that, while making further attempts of its own initiative, it would at the same time appreciate any impartial support in attaining its object—namely, the protection of war victims. The Government in Pyongyang was informed of this step.

The entry of Chinese Volunteers into the conflict led to the ICRC offering its services to the Commander-in-Chief of these troops on 8 December 1950. The North Korean and Chinese Governments were requested to ensure the transmission of the message.

Early in 1951 the President of the ICRC offered to go personally to North Korea to examine the various questions arising in connection with prisoners of war and other victims of hostilities (for instance the creation of a safety zone), which had previously been the object of numerous telegrams. The offer was renewed on January 24 and March 19; but no reply was received. At the same time the President of the ICRC suggested to the Chinese Government that he should visit Peking, to which this Government agreed. The main object of the President's mission was to examine with the Government and Red Cross Society of the People's Republic of China all questions of mutual interest. M. Ruegger was also able to discuss various matters connected with the Korean conflict, which called for urgent action (relief, safety zones, correspondence, news, etc.). Other interviews with the Chinese Red Cross took place in Geneva in May and December 1951.

The renewal of the armistice talks after an interruption of several weeks raised hopes of a solution of the special problem of the repatriation of prisoners of war. Referring to its numerous approaches in the past, the ICRC on 15 December 1951 again asked to be given the means of acting in accordance with the Geneva Conventions, and proposed to the Commander-in-Chief of the Republic of Korea Forces and to General Nam Il, Head of the North Korean Armistice Commission, to send delegates

to confer with them immediately. At the same time application was made to the Chinese and Soviet Governments for the delegates to be allowed a passage in transit through their territories.

The Head of the ICRC Delegation in South Korea requested, and obtained on December 19, an interview with General Nam Il.

On several occasions, but without success, the ICRC appealed for the support and comprehension of the Red Cross organisation in North Korea.

South Korea

It has been seen that the ICRC was able to send a delegation to South Korea within a very short delay. The delegation's work in favour of prisoners of war made rapid progress ; but difficulties occurred in regard to other humanitarian problems raised by the conflict. In this connection the ICRC applied on several occasions either to the General Secretariat of the United Nations, or to the United Nations Command, to enable its delegates to extend their activities, particularly in the fields covered by the provisions of the First, Second and Fourth Geneva Conventions. These approaches not having had the result hoped for, the delegates were obliged to confine practically all their activities to assistance for prisoners of war.

It will be seen later that they were able to a certain extent to give their services to civilians detained in South Korean prisons.

General work

As regards the Central Prisoners of War Agency (whose services were offered to the belligerents on 7 July 1950) it should be said that the lists of Korean and Chinese prisoners of war in the hands of the United Nations Forces, communicated by the Detaining Power, were regularly transmitted to the Pyongyang Government. By 31 December 1951 these transmissions covered 192,495 nominal records of prisoners of war (including 37,342 reclassified as civilian internees), 13,814 deceased and 235 seriously ill.

Reciprocity in the matter proved however to be unobtainable. The ICRC received only two lists concerning 110 prisoners in North Korean hands, notwithstanding repeated requests.

A certain number of enquiries and messages were sent to the Pyongyang Government ; and from May 1951 duplicates were sent to the Chinese Red Cross. No reply reached the International Committee of the Red Cross.

As regards *visits to camps and prisons*, over fifty prisoner of war camps were visited by the Committee's delegates. The detaining authorities and the Home Power of the prisoners visited were furnished with regular reports concerning these camps. The delegates also undertook, whenever this was found necessary as a result of their investigations, to take whatever steps were required with the authorities concerned.

A few civilian prisons were also visited by the delegates. The general conditions of the inmates gave rise to various interviews and applications to the South Korean authorities.

It may here be mentioned that the United Nations Command notified the ICRC of the geographical situation of the camps in South Korea ; and this information was transmitted to the North Korean Government. Here again no reciprocal action ensued.

In the matter of *relief action*, as in all other connections, the ICRC tried to give its impartial support to both sides, taking as its sole standard the needs of all victims of the conflict.

In the case of North Korea the ICRC received no reply to its various suggestions on the subject of prisoners of war or the other victims of the conflict. In addition a stock of medicaments constituted in Hong Kong in March 1951 could not be sent on ; the ICRC requested the Chinese Red Cross Society to take over the distribution of these medicaments ; but the Society did not think fit to accept.

On the other hand, the Hungarian Red Cross Society accepted the International Committee's offer of pharmaceutical supplies for reforwarding to North Korea, and there was every reason to hope for a safe arrival of this consignment, when the Society notified the Committee of the reshipment to Budapest of these supplies, which were subsequently sent back to Geneva.

As regards South Korea, from the outbreak of hostilities it was evident that needs were very great. Having been advised of the situation by its delegation, the ICRC could in turn inform various National Red Cross Societies. Some of them placed supplies at the Committee's disposal. Within a short time however the United Nations reserved the sole right for relief action in Korea. In these conditions the ICRC made efforts for its special position to be recognised, and for it to be agreed that relief supplies entrusted to its care should be distributed under its supervision and by its standards. So far it has not been successful. The Committee had consequently at an early date to abandon all relief action intended for victims other than prisoners of war, which greatly complicates its activity and that of its delegates, particularly in regard to detained civilians.

On the other hand the ICRC had all facilities for distributing relief for prisoner of war needs.

*CONTRIBUTIONS BY NATIONAL RED CROSS
SOCIETIES AND GOVERNMENTS TO THE
INTERNATIONAL COMMITTEE OF
THE RED CROSS FOR 1952*

Contributions as on 30 September 1952

<i>Countries</i>	<i>National Red Cross Societies</i>	<i>Governments</i>
	(Swiss Francs)	(Swiss Francs)
Australia	25,680.—	—
Austria	—	8,450.—
Brazil	—	3,307.70
Canada	32,737.50	—
Ceylon	—	3,055.—
Chile	2,260.—	—
Columbia	2,000.—	15,000.—
Costa-Rica	480.—	—
Denmark	2,000.—	10,000.—
Dominican Republic	600.—	—
Ecuador	600.—	1,085.—
Finland	5,000.—	8,000.—
Greece	2,280.—	—
Guatemala	600.—	—
Holland	20,000.—	—
Iceland	500.—	—
Indonesia	—	15,000.—
Iran	460.30	—
Iraq	2,160.—	—
Ireland	1,560.—	—
Jordan	120.—	—
To report	99,037.80	63,897.70

<i>Countries</i>	<i>National Red Cross Societies</i>	<i>Governments</i>
	(Swiss Francs)	(Swiss Francs)
Carried forward	99,037.80	63,897.70
Lebanon	840.—	2,991.60
Liechtenstein	—	2,500.—
Luxemburg	600.—	1,000.—
Mexico	—	25,000.—
New Zealand	6,024.60	—
Northern Rhodesia	—	2,129.75
Norway	3,000.—	10,000.—
Paraguay	480.—	—
Philippines	3,840.—	—
San Salvador	132.—	—
Saudi Arabia	—	8,600.—
South Africa	—	48,760.—
Switzerland	—	500,000.—
Syria	1,560.—	—
Turkey	11,888.—	46,389.35
United Kingdom	24,460.—	—
United States	109,125.—	—
Venezuela	4,350.—	—
	<u>265,337.40</u>	<u>711,268.40</u>

The International Committee trusts that all National Societies will soon make the contributions requested of them by the Finance Commission (created in 1948 by the XVII International Red Cross Conference) and that for their part Governments will give it the regular financial support which was recognized as necessary by the Diplomatic Conference of Geneva in 1949.

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CHRONICLE

THE ORIGINS OF HUMANITARIAN LAW¹

II

CHRISTIANITY

The Christian Church, which had saved civilisation at the time of the barbarian invasions, succeeded after centuries of effort in softening the manners of the barbarians.

The Church preserved the ideas of humanity which, proclaimed in the fifth century by St. Augustine and developed in the thirteenth century by St. Thomas Aquinas, were systematised in the sixteenth century by Victoria. They were the inspiration of a code of morality and a law of war, of which it is proposed in the present Chapter II to summarise the principal stages of development during the period of a thousand years from the fall of the Roman Empire to the end of the Middle Ages, the period which saw the blossoming of the Christian ideal.

I. ST. AUGUSTINE AND THE ROMAN TRADITION

Rome was captured by the barbarians in the lifetime of St. Augustine; but he knew the blessings of the *pax Romana* in the province of Africa where he lived, for the latter was not conquered by the Vandals until five years after his death.

A student of the classic philosophers, and an admirer of the virtues of the ancient Romans², the Bishop of Hippo has transmitted to us in his sermons and his letters the legacy of Roman wisdom, as reconceived in the light of the Christian idea, and so strengthened and ennobled by the conception of universality.

¹ See *Supplement*, August 1952, page 222.

² *Jus bonumque apud eos non legibus magis quam natura valebat* (Livy, I.11, quoted by St. Augustine in the *De Civitate Dei*, II. XVIII).

Peace according to St. Augustine is the supreme Good ; but it is only peace with justice that deserves to be called peace. It is no longer, as in the early days of Rome, the interest of the mother-country which constitutes the criterion of the justice of a cause, but a general and absolute conception of a moral character, the principle of which is a function of God.

The idea of "just war".

It follows that war is admissible, if "just" ; and the difference between this kind of just war and the "bellum justum" of the ancient Roman Fœdial Law, which merely meant the declaration of war in accordance with the traditional rites, is at once apparent. To obtain reparation for damages, to repel violence, to avenge an injury, to recover what one has been unjustly deprived of—such are the possible motives of a just war. But any warlike enterprise not based on justice is to be proscribed absolutely. "To make war on one's neighbours, or to go further and conquer and subject unoffending peoples from sheer lust of domination—how can such things be called anything else than large-scale brigandage?"¹ It is also noteworthy that, according to St. Augustine, it is only the Prince, i.e. the Sovereign, who has the right to declare war. Private wars are prohibited.

But, if war is lawful on condition that it is just, it is to be waged in such a way as to admit as far as possible of the application of the principles of Christian charity. St. Augustine's recommendations on the point to Bonifacius, the official in charge of the defence of the Province of Africa, are particularly interesting in view of the fact that the aggressors against the Roman rule were native tribes, who ranked under the classical conceptions of law as being without legal rights of any kind. "If the enemy who fights against you is to die," so writes St. Augustine, "let his death be by necessity of battle, and not by your will. Rebellion and resistance call for the use of violence ; but the conquered and the captives have a claim to compassion, especially where the exercise of clemency does not conflict

¹ *De Civitate Dei*, IV. VI.

with the interests of peace,"¹ and he adds: "Even in war, if you find yourself once again at war, aim at peace!"

That in a few lines was the doctrine of war and peace, so steeped in solicitude for the rights of the individual, and so full of enlightenment for the age in which it took shape. It need hardly be said, it went far beyond the conceptions of the barbarians, whose power was then in the ascendant.²

Role of the Church

But the barbarians, while they wrecked the Roman Empire, respected the Church. The Bishops in the defeat of the civic authorities appeared as the only champions of the common people; and it was to them that the clemency of the conquerors was extended. Attila himself respected Troyes on the prayer of St. Lupus, and further spared Rome at the instance of St. Leo.

It was then that the Bishop of Rome, as Protector of the Eternal City, conceived the exalted mission of himself as arbiter of the Christian peace. "O Rome," said St. Leo, "the domain which was made subject to you by force of arms is less vast than that other domain, over which the Christian peace has set you to reign". The *pax Christiana* thus succeeded in ambitious anticipation to the *pax Romana*; and in this spirit the Church fostered the establishment of barbarian kingdoms, and by such restoration of State authority brought back some elements of order into the chaos following on the collapse of the Roman Empire.

At the beginning of the sixth century St. Benedict of Nursia founded the first religious Order, setting thereby an example of a peaceful, laborious community, governed paternally and concerned with the interest of all in accordance with the highest principles. The Benedictine monks, whose numbers spread rapidly in all the countries of Western Europe, formed little

¹ *Epistulae*, 189.6, quoted by Goyau, *L'Eglise catholique et le Droit des Gens* in the *Recueil des cours de l'Académie de Droit international*, 6, 1925, I.

² Nevertheless Alaric in the sack of Rome allowed the major basilicas to serve as inviolable places of refuge; and all who sought asylum there had their lives spared.

islands of civilisation wherever they came. Required by their Rule to do seven hours of manual work in the day, they restored the dignity of labour, which had till then been accounted servile. They had stables and mills. They reclaimed land, and brought it under cultivation. It was to Benedictine convents that one-third of the towns and villages of France owed their origin. Everywhere respected, they preached the gospel to the British Isles and the Teuton lands, their "clerks regular" supporting the action of the Bishops who, with the weapon of excommunication in their hands, were contriving to check the ferocity of the barbarians.

Violent habits and customs of the barbarians.

The task before them was a heavy one. The extent of it may be judged from the record of the violence with which St. Gregory of Tours had to contend.

The chronicles relate the shameful action of Ebroin, Mayor of the Palace of Neustria, who had the eyes of St. Leger, Bishop of Autun, put out. They record the cruelty of Fridigonde, who had Siegbert assassinated with poisoned daggers, and tortured Brunehaut by the horrible method of dragging her alive attached to a horse's tail. The conversion of these barbarians, and even the abandonment by them of their language for that of the Gallo-Romans with whom they had intermingled, had not yet made them forget their brutal ancestral institutions. Under the Salic Law "Whoso cuts off the hand, foot, nose or ear of a man shall pay a hundred gold sols. For the big toe he shall pay forty-five gold sols, for the second finger" (used in shooting arrows) "thirty-five sols" etc.¹ The "ordeals" consisted in burning persons presumed guilty by red-hot iron or boiling oil. If they survived, they were considered innocent.

Right of asylum.

The first effort of the Church was to secure respect for the right of asylum in churches and chapels. Persons who took

¹ This blood-price (*Wehrgeld*) is a high one, for the gold sol would be the equivalent of several hundred present-day Swiss francs.

refuge in these could not be brought out and massacred. The right of asylum was stoutly asserted by the Church, and remained in force throughout the Middle Ages. It did not begin to fall into disuse until the modern States came to be formed, and there was a public authority capable of enforcing law and order.¹

Serfage.

The Church also intervened to protect slaves, and to encourage their enfranchisement, recalling to slave-owners the words of St. Paul: "Masters, give unto your servants that which is just and equal, knowing that ye also have a Master in heaven."² It was not long before serfage took the place of slavery. The serf was better off than the slave. He had the right to have a family and even a certain patrimony of his own. *Adscriptus glebae* (that is to say, without the right to leave the soil on which he worked), he could not at any rate be separated from his family or sold like an animal.

The Pope.

The universal character of the Church under the direction of its Head, the Bishop of Rome, fostered the spread of such social developments. At the end of the fourth century the authority of Pope St. Gregory very greatly increased the prestige of the Holy See. Born in Rome of a rich patrician family, the gens Anicia, Gregory was Prefect of the City before becoming a Benedictine monk, and later being appointed Papal Legate to the Emperor at Constantinople. He thus combined in his person all the grandeurs of ancient Rome. Though of extreme personal humility, calling himself "servus servorum Dei" ("servant of the servants of God"), he exacted strict obedience from all hierarchic subordinates, beginning with the Patriarch of Constantinople. He treated Princes on a footing of equality, and pleaded with them the cause of the oppressed. "My ministry," he wrote, "compels me to hasten wherever justice

¹ For the right of asylum see the *Revue internationale de la Croix-Rouge*, December 1950, pages 909-917.

² St. Paul, *Epistole to the Colossians*, 4.1

demands." This gave him the title of " Consul Dei ".¹ His contemporary, St. Leander, Bishop of Seville, speaking at the Third Council of Toledo, exclaimed: " Rejoice, Holy Church of God, in the knowledge that sweet is charity, and delectable is unity. Thy only preaching is the alliance of nations: thy only longing is the unity of peoples. It is in accordance with the order of nature that all the nations, issue as they are of one and the same man, should be united in mutual love."

The universal ideal of the Christian Church is affirmed in these words. But events were to restrain the scope of these tendencies. A rival theocracy, itself proclaiming universal aspirations, was to make its appearance in the person of Islam, to limit the development of the far-reaching programme of Christianity.

Islam.

Not that Islam, the religion which took its birth from the preaching of Mahomet at the beginning of the seventh century, was devoid of generous elements. In many respects it is akin to Christianity, and the Prophet considered himself a " continuer " of the message of Christ. But Mahomet's teaching was more restricted than that of Jesus: for he did not say that " all men ", but only that " all believers ", were brothers. In virtue of this precept every man is entitled under the Koran to make what use he wishes of himself and of the things of this world as he pleases. ² " He who has killed a man shall be deemed to be the murderer of all the human race, and he who has given back to a man his life shall be deemed to have given back life to all the human race " (Koran, Sura V, verse 35). The Islamic laws of war are summarised in the instructions of Abu Bekr, first successor of Mahomet, to the Generals entrusted with the conquest of Syria. " Bear in mind ", he said, " that you are always in God's eyes, and on the eve of death, and that you will render account at the Last Day. When you fight for the glory of God, fight like men, never turning your backs to the enemy ;

¹ Words engraved on his tomb.

² Ahmed RECHID, *L'Islam et le Droit des Gens* in the *Recueil des Cours de l'Académie de Droit international*, 60, II, 1937, pages 390-399.

but let not the blood of women or children or the old tarnish your victory. Do not destroy the date-palms! Do not burn houses or fields of corn! Do not cut down fruit-trees, or destroy cattle, unless you are compelled to do so for food! When you conclude a treaty with an enemy, or accept his surrender, observe sedulously the clauses of the agreement. In the course of your advance you will come upon religious, who live in monasteries and serve God in their retirement: "Leave them alone, and do not destroy their monasteries!"

It is none the less true that the obligation of the Mahometan to proselyte authorises "Holy War"; and it may well be imagined that in the great conflagration of conquest, which burst suddenly over Asia, Africa and Spain, the victories of the Arabs were not always gentle. The account of the learned Mahometan writer, from whom we have just quoted, is sufficiently instructive. "Before Mahomet," he writes¹, "with the exception of certain Jewish or Christian tribes, the mass of the Arab nation were grossly idolatrous, and had been attached from time immemorial to savage and barbarous customs. The sacrifice of one sex to the other was universal, as were also the practice of poor fathers burning their daughters alive for fear of having their name dishonoured, and the enslavement of women. The thirst for vengeance was inextinguishable with all its horrible and excessive consequences. The warlike and implacable women indulged on the battlefields in unheard of atrocities. The *lex talionis* was binding on all, and rapine and brigandage were the justified sequel to victory." Presumably these wild and untamed peoples, for all their conversion to Islam, did not at once become obsequious adepts of humanitarian principles.

The Arab conquests created a common defensive front in the Christian world.

The Arabs had overflowed into Gaul, when they were held up by the "mur de glace" of the Frankish warriors. The victory of Charles-Martel at Poitiers placed the Carolingian dynasty at the head of Europe; and the Pope was so clearly convinced

¹ Ahmed RECHID, *op. cit.*, page 399.

of the necessity of a secular arm to defend the *pax Christiana* that he himself put the imperial crown on the head of Charles the Great (Charlemagne). But the *pax Christiana* was thenceforth limited to the borders of Christendom.

The great Emperor of the West was an assiduous reader of the *De Civitate Dei*, and dreamt of imitating the Emperor Constantine, whose revered authority was cited in example by St. Augustine. He had however plenty to do in pacifying and christianising his empire. He had to reckon with the ferocity of his adversaries, and he did not hesitate to combat them with their own arms. In his wars against the Saxons he brutally avenged the missionaries and the soldiers who had been massacred. On one day at Verdun he put to death 4500 hostages. In order to disarm obstinate and continually recurring resistance, he deported whole tribes to Gaul. But these stern measures should not make us forget the civilising work that he did.

Charles was for peace with Islam. Harun al Rashid sent him ambassadors, whom he received with honour, and replied by accepting a sort of Protectorate of the Holy Places in Palestine, the Patriarch of Jerusalem having sent him the keys of the Holy Sepulchre.

But these presages of equilibrium as between Islam and Christianity, which seemed to foreshadow peaceful relations between the two, were misleading.

The era of invasion was not closed.

In the West after Charles' death new barbarian hordes, Hungarians and Normans, began to imperil the civilisation which had with such difficulty been reestablished; and in the South the Saracens threatened to overwhelm Italy as they had overwhelmed Spain. Landing at Ostia, they made their way up the Tiber, and got as far as Rome, where they sacked the Basilicas of St. Peter and St. Paul.

The Feudal System.

In presence of these dangers, and in the impotence of the States to cope with the menace of the new barbarians, the feudal system came into being.

The Pope having asked for protection against the Saracens, Charles the Bald by the Capitulary of Quierzy-sur-Oise conferred the right on all who were prepared to follow him in Italy to hold, and to transmit to their heirs, the public charges then devolving on them. Thirty years before he had already recommended each of them to choose a *seigneur*¹ to organize locally the resistance to the Norman invasions. A serious step this, since it meant the break-up of the authority established by the Roman tradition. The idea of the "State" gave way to the splintering of powers; and a new world began to take shape with its own law and its own customs. Once again the Church, in the abeyance of the royal power, was to endeavour to establish the reign of Christian charity, as far as the prevailing brutality of manners and morality made it possible to do so. For, in spite of the sanguinary struggles in which it engaged, feudal Europe still respected the fraternal principles of the beliefs in which it was united. At no time had religious faith been more ardent: at no time had it led to greater enterprises conceived in common. The perils arising from the Mahometan conquests and the new inroads of the barbarians imbued Europe with the feudal conception of common interest, in which Christianity was exalted, and was inspired to an aggressive initiative of its own, once it began to feel sure of itself. Hence the Crusades, in which Christianity attacked Islam, a "Holy War" in reply to a "Holy War", the inevitable consequence of a world divided into Dar ul Islam (House of Islam) and Dar ul Harb (House of War).

2. FEUDAL LAW. — ST. THOMAS AQUINAS

The feudal system, which was established in Europe at the end of the ninth century and lasted until the modern States came to their full strength, was not an isolated phenomenon in the world. Feudalism is a political form, which is the natural outcome of certain situations where absence of security coexists with the existence of a moral ideal and a patriarchal conception of life.

"*Nulle terre sans seigneur.*" Such was the principle of the new regime. Every cultivator, in order to cultivate his land in

¹ *Capitulary of Mersen (847).*

peace, was compelled to resort to the protection of someone more powerful than himself. In case of an alarm the peasants and their beasts took shelter in the castle of their *seigneur*, and were thus enabled to resist brigandage. The brigands themselves, when they had the better of it, transformed themselves into feudal lords. Stage by stage a whole hierarchy was organised from the lowest vassal to the highest lord right up to the King, the supreme *seigneur* of the whole of his territory. But at the same time the authority of the sovereign, as it became more remote, was weakened. Each feudal lord became in practice the master of his own territory ; and feudalism came to mean the parcelling of sovereignty. The feudal lords usurped the attributes of the State. They exercised the powers of justice “ high and low ”, which meant that they could not only act as judges of minor offences, but could even condemn to death. They coined money, and they claimed the right to make private wars.

Private wars.

It is easy to see the possible abuses of such a system. These private wars were a constant source of alarms and devastation. From being a protector of the weak, many a *seigneur* now became an oppressor ; and often they made war only to take prisoners and hold them for ransom.

The Chronicle of Suger, the historian of Louis VI, paints a picture of some of these brigand *seigneur*, for instance of the youthful Hugo, “ a bad man, abounding in perversity and in the perversity of his ancestors ”. On coming into possession of the fief of Puiset, “ he did not cease, unworthy scion of an unworthy sire, to imitate his father’s example... But those, whom his father used to chastise with whips, he now with even greater cruelty put to death with the venom of scorpions ”.

Even before the Royal power began to call a stop to this internal brigandage, the Church had called its moral weapons into play to limit the effects of the law of private war.

The Peace of God.

In 989 at the Council of Charroux the Archbishop of Bordeaux had proclaimed the “ Peace of God ”. Under this announcement

an anathema was pronounced on all who in process of a private war attacked churches or monasteries, stole the property of the poor, or ill-treated clerics. The Councils of Narbonne (990), Anse (994) and Limoges (997) extended this immunity to cover merchants, pilgrims, cultivators and their families, as well as labouring beasts and mills.

The Council of Verdun on the Doubs (1016) created a "Peace Association" in the dioceses of Lyons, Besançon, Auxerre and Soissons, the members of which swore to respect churches and persons consecrated to God, and undertook, also under oath, not "to take cattle, to capture peasants or merchants, to burn houses, to uproot vines, to destroy mills, or to attack persons carrying the produce of their vintages". The penalty for breaches of this undertaking was excommunication, the most terrible penalty known to the Middle Ages. An excommunicated person was literally cut off from all social life as if he were a victim of the plague.

The form of this oath is particularly interesting, because it already embodies the distinction between "combatants" and "non-combatants", which is the primary conception of humanitarian law.

In 1038 the Council of Bourges decided to make the "Peace Association" obligatory. Archbishop Aimon was responsible for making all the faithful under 15 years in all the dioceses of his metropolitan province (Aquitaine) take the oath of peace, and join the diocesan military organisations charged to punish breaches of the oath. The clergy themselves were at the head of these organisations. This Association remained in force in Berry down to the reign of St. Louis under the name of "Peace Commune".

The Truce of God.

The "Peace of God" was followed by the "Truce of God", first instituted by the Council of Elne in 1027. Under this new institution it was forbidden for anyone to attack his enemy between 3 o'clock in the afternoon of Saturday and 6 o'clock in the morning of Monday, "so as to enable all men to pay their dues to God on Sundays". The Truce of God was later extended

to Advent and Lent, including Christmas and Easter, that is to say, to five consecutive weeks twice a year.

St. Odilon, Abbot of Cluny, wrote in 1041 to the Bishops of Italy, advocating the general extension of the Truce of God "to all Christians, whether friends or enemies, neighbours or strangers" from Wednesday evening to Monday morning in each week. "We have dedicated to God", he explained, "Thursday for Christ's Ascension, Friday for His Passion, Saturday for His Burial, and Sunday for His Resurrection, so that on all these days there should be no hostile expeditions, nor any have to fear his enemy".

The Crusades.

At the Council of Clermont (1095) Pope Urban II solemnly proclaimed the Truce of God at the same time as he preached the First Crusade.

The pacification of the Christian world was thus associated with the war against the "Infidels".

That was no doubt a set-back as compared with the dream of *pax Christiana* which, as conceived by St. Gregory at the end of the fifth century, had extended to all mankind. But at least these expeditions on the part of Christendom had the effect of putting an end to the private wars within the Christian kingdoms. It must also be admitted that the capture by the Seljuk Turks of the Holy Places had deprived the Christian pilgrims of the facilities they had till then enjoyed of repairing to the Tomb of Christ, and had thus afforded a pretext for the warlike spirit and the spirit of adventure of the Crusades. The sufferings and the hardships they had undergone during the long journey to the East in the First Crusade, and their apprehensions in a distant and hostile country, and finally their fanaticism and their ignorance explain, though they cannot excuse, the atrocious massacres, which accompanied the capture of Jerusalem in 1099¹.

¹ Ahmed RECHID, *op. cit.*, page 458, quotes G. le Bon, *La civilisation des Arabes*, Chapter VIII, page 337, in which the latter records the horrible account of an eye-witness, Raymond d'Agiles, Canon of Puy: "So much blood there was, spread over the ancient Temple of Solomon" (the Mosque of Omar, in which 10,000 Mahometans had taken refuge) "that the dead bodies floated here and there in the Court of the Temple, and severed hands and arms drifted about".

The Turks for their part raided the Christian countries for children to be brought up to form the Corps of Janissaries, who became the élite of their troops.

Chivalry.

Nevertheless efforts were made on both sides to mitigate the consequences of "Holy Wars". Honour, loyalty and good faith are sacred principles, on which relations came to be established during the feudal period between man and man, between vassal and suzerain, and often even between enemy and enemy.

In his victory over Alfonso VI, King of Castile, the Mahomedan Jakub took 20,000 prisoners, but chivalrously set them all free (1195). Exchanges of prisoners were frequent, as were also redemptions by ransom. Torture and mutilations were in principle prohibited.

The *Viqayet*, written about 1280, is a regular codification of the laws of war, dating from the height of the prosperity of the Saracen rule in Spain.¹ It forbids the killing of women, "even of those who by their cries excite the warriors". It also protects children, old people, the insane and disabled, together with bearers of flags of truce and persons under safe-conduct. It prohibits mutilations, actions in bad faith, and the poisoning of fountains or springs.

On the Christian side the combatant monks of the Orders of Chivalry had the charge of defending the Holy Sepulchre. In the intervals of fighting they nursed the sick and wounded. In time of peace they maintained hospitals, in which the sick were "treated with respect like *seigneurs*, so far as the resources of the hospital permitted", in accordance with the Rule of the Knights of St. John of Jerusalem.

The ceremony by which young nobles were dubbed knights and assumed the armour of knighthood had originally had nothing clerical about it. But it was now transformed by association with religious rites, which included prayer and a vigil of arms in a church, together with an oath to be "the living

¹ See Ch. A. WALKER, *History of the Law of Nations*, pages 75 ff., 126 ff.

protection of all weakness". Jean de Beuil¹ writes: "The most noble and most excellent Order of Chivalry has been ordained in order to preserve, defend and keep the people in peace, untrammelled by the adversities of war."

The Pontifical Supremacy.

At the same time the Papacy, asserting its authority within the framework of the feudal system, assumed the uncontested lead of Christendom.

The Liber Censuum (Book of Dues) of the Roman Church, drawn up in 1192, enumerates the various Kingdoms under the suzerainty of the Holy See—namely, Poland, the Two Sicilies, Castile, Leon, Denmark, Bohemia, England, Kiew, Croatia and Dalmatia, Aragon and Portugal. All these Kingdoms paid tribute to the Pope, and their Princes were recognised as his vassals.

Innocent III, who was Pope from 1198 to 1216, made a reality for a time of the Pontifical Supremacy. We find him (1) receiving the homage of Sicily, and assuming the guardianship of the young King Frederick II of Naples, (2) giving the Crown of Germany to his protégé Otto IV, and then taking it away again to give it to Frederick II, (3) deposing John "Lackland", King of England, and restoring his Crown on his taking an oath as his vassal, and (4) placing France under an interdict in order to compel King Philippe-Auguste to take back his lawful wife. Combining a profound knowledge of law with unwearied activity, this great Pontiff has left us nearly 6,000 letters. "The name of Innocent III," writes Gonzague de Reynold, "calls to mind the one brief moment when Europe in its diversity was one, and civilisation reached its culminating point".

The Schoolmen.

It was at this time that the Schoolmen proceeded to draw what may be called the consequences of this Papal pre-eminence. Going back faithfully to the teaching of St. Augustine, they formulated their theory of the law of war, which gave Christendom rules suitable for making a veritable *Civitas Dei* on earth.

¹ Edition Leicester, I. page 14, Paris 1887 (Société de l'Histoire de France).

The sixteen great Universities, which then came into being in Europe after the model of the University of Paris, originated, like the latter, in the episcopal schools ¹, and like it were dependent solely on the Holy See. They imparted a genuinely international form of teaching, the teachers being chosen without consideration of nationality.

The teaching in these Universities was drawn very faithfully from St. Augustine. At Bologna the monk Gratianus compiled the famous repertory of Canon Law, which under the name of the "Decree of Gratian" constituted a law of war discussed in every learned centre in Europe. It was however at Paris that Scholasticism reached its fullest and finest development under St. Thomas Aquinas, the "Angelic Doctor".

The *Summa* of St. Thomas develops afresh the theory of "just war". It lays down in precise form the three rules, which must be observed to justify a war. In the first place, the war must be declared by an authority knowing no suzerain—which definitively eliminates the conception of private wars. Only sovereign Princes are to be entitled to declare war. Secondly, the cause of the war must be a just cause—namely legitimate defence or the necessity to obtain justice. Thirdly, the war must be waged with just intention—so that, even in a just war, abuses are forbidden, and victory must be exploited with moderation.²

The doctrine of "just war" is defined as follows: "*Causa justa, ut scilicet illi qui oppugnantur propter aliquam culpam impugnationem mereantur*" ("By a just cause is meant that those attacked for a fault committed have thereby merited war"³).

St. Thomas goes on to ask: "Is it lawful to capture the belongings of the enemy?" He answers: "Yes, because in a

¹ It may be noted incidentally that these schools were accessible to all, even to the poor and even to serfs. (Suger, Abbot of St. Denis, and Minister of Louis VI and Louis VII, was the son of a serf. He had been a fellow-pupil of Louis VI as a child.)

In the fourteenth century the University of Paris had 30,000 students.

² See LE FUR, *La Théorie du Droit naturel*, in the *Recueil des Cours de l'Académie de Droit international*, 18.III.1927, page 289.

³ See VANDERPOL, *La Guerre devant le Christianisme*, page 69.

just war the enemy is a guilty party, so that the booty is not robbery, but punishment". The position would be different, if the war were unjust : in that case the booty ought to be restored.

In the age of St. Thomas such doctrine was not merely academic, as in the time of St. Augustine. It was endorsed by Popes and accepted by Princes. St. Louis, King of France, of his own initiative consulted St. Thomas, and modelled his actions on the principles of the *Summa*. This justice-loving Prince, who abolished such cruel customs as "justice by duel", saying that "combat was not a form of law", was celebrated for his arbitrations and for his moderation in the hour of victory. Having retaken from the King of England in virtue of feudal law the provinces of France, whose allegiance to the French Crown the English King contested, he gave them back to the latter against recognition of the feudal claim. St. Louis was described by an English Chronicler as "rex regum" or "king of kings" because of his prestige amongst his contemporary sovereigns. In his testament he does not hesitate to write that in relation to Rome he preferred to "waive his claims rather than to dispute them"—a remarkable instance of a political attitude in keeping with the discipline of medieval Christendom.

It seemed at the beginning of the fourteenth century as if, animated by these sentiments, a Federation of European States was on the point of coming into being. The jurist Pierre Dubois dreamt of a General Council with its seat in France, representing the federated European States, and of an international tribunal. He proposed to leave it to the Pope to call the Council, to make proposals to it and to act as an instance of appeal in the case of international differences.¹ But the formation of the modern States was to raise new problems, and to create a new field for the scholastic doctrine of war.

3. FORMATION OF THE MODERN STATES. VICTORIA

By re-establishing the supreme authority of the King's justice St. Louis had dealt a decisive blow to feudalism. His

¹ TER MEULEN, *Der Gedanke der internationalen Organisation*, pages 82-87 and 101-123, quoted by Goyau, *op. cit.*, page 199.

prestige was such that the Royal power remained from that time onwards uncontested, and again assumed the charges and prerogatives of sovereignty.

Conception of the State.

The conception of the State was definitely restored by the labours of the jurists of the period, basing themselves on the definitions of Roman Law, and gradually bringing back into force the work of Justinian.

The process necessarily made a break with the harmonious hierarchy of Kingdoms under the leadership of the Holy See, which had seemed to afford a means of maintaining international order in Christendom. For nearly a century the emigré Popes at Avignon had still to reckon with the authority of Kings ; but, once back in Rome after the restoration of peace between the parties, they never recovered the primacy they had enjoyed in the reign of Innocent III.

Enfranchisement of the Serfs.

As a result the social functions assumed by the Church in the Middle Ages were limited. Henceforward it was the King who put a stop to private quarrels, and who took the initiative in great social reforms. In 1315 an Ordinance of Louis X enfranchised by a stroke of the pen all serfs of the Royal domains. From 1350 onwards serfdom in France was no more than a memory.

The Civil Power and the humanitarian ideas of the fourteenth and fifteenth centuries.

In the field of International Law the era of Conventions between States and declarations on the laws of war now began.

One of the first of these Agreements one can cite is the Covenant of Sempach (1393), in which the Cantons of Schwyz, Uri, Unterwald, Glarus, Zug, Zürich, Berne, Lucerne and Solothurn embodied certain clauses concerning observance of the plighted word, pillage and respect for women and for the wounded. The Covenant has also been called the "Frauenbrief"

(" Women's Charter "), because it says that women should be kept apart from war. Of the wounded it says: " They will therefore be left intact, their persons and their property." This Agreement may indeed be described as the ancestor of the Geneva Convention—an interesting example on the part of the Swiss people who, after fighting tenaciously in defence of their independence at Murten ¹, were destined for centuries to provide soldiers for all the armies of Europe.

For, though the era of private wars was ended, the peoples were still to be exposed to just as great an extent to the miseries of foreign wars.

At the end of the fourteenth century we find in the Benedictine monk Honoré Bonet, the author of *L'Arbre des batailles*, and in Christine de Pisan, who is an enthusiastic admirer and imitator of Honoré Bonet, whole series of chapters on the law of war. " In truth ", writes Bonet, " I have great pain at heart to see and hear the martyrdom they inflict without pity or mercy on poor labourers and other poor people, who say no ill and think no ill, and do nothing but work for their betters, and from whose handiwork the Pope, the Kings and all the *seigneurs* in the world have under God all that they eat and drink and all the raiment that they wear, yet none cares for the labourers who make these things." ² The " Ecorcheurs " in Paris, and the " Grandes Compagnies " in the country, sowed desolation, and gave birth to peasant revolts such as the Jacquerie, which Charles the Bad stifled in blood, putting 20,000 revolted peasants to death.

Amongst such horrors it is a relief to read in the Chronicles of the generous attitude displayed by warrior chieftains like Duguesclin and Joan of Arc. " Wherever you wage war, remember always that clergy, women, children and peasants are not your enemies ", said the Constable of Charles V, while of the Maid we read that, as those testified who knew her, she showed herself " full of kindness to her enemies, and pity for the wounded English, shedding tears at the large number of

¹ " Cruel comme à Morat " (" cruel as at Murten ") became a proverb.

² H. BONET, *L'Arbre des Batailles*, édition Wys, IV. 47. page 140, quoted by Goyau, *op. cit.*, page 159.

dead there were in their camp".¹ At her trial she was asked : " Which liked you best, Jeanne, your banner or your sword ? " She answered : " My banner many times, aye ! forty times, more than my sword. I carried my banner myself, when I was attacking the enemy, so as not to kill anyone. I have never killed anyone." ²

Evolution of the doctrine after the discovery of the New World.

Thus in these troubled centuries the moral traditions of the great Canonists from time to time asserted themselves.

Then came suddenly the discovery of the New World, affording a new opportunity for the collection of these traditions in a work summarising the scholastic doctrine on the laws of war, insisting on the universal character of the principles by which that doctrine is inspired, and extending it deliberately beyond the limits of Christendom.

Such was the work of the Spanish monk Francisco de Victoria, Professor of Theology at the University of Salamanca from 1526 to 1546.

The exploitation of the vast Empire, which had been opened up by the discoveries of Columbus, raised great labour problems for Spain ; and there were plenty of colonists, who urged that slavery should be imposed on the inhabitants of the Caribbean. In a discussion between theologians, which took place in 1519, Bartolomé de Las Casas ³ said : " Our religion is the religion of equality. It is adapted to all Governments, and to all nations. It deprives no one of their liberty or of their leaders, in order to reduce them to slavery on the pretext that Nature made them for that condition."

In spite of this expression of opinion, in spite even of intervention by Rome, the abuses overseas continued. Pope Paul III had written in 1537 on the subject of the natives of America : " Though they do not know the faith of Jesus Christ, they are

¹ See DEFOURNY, *Jeanne et le Droit des Gens*, Paris (*Société bibliographique*) 1887, quoted by Goyau, *op. cit.*, page 160.

² QUICHERAT, *Procès de la Condamnation de Jeanne d'Arc*, tome 1, pages 52-70.

³ A Spanish prelate of the Order of St. Dominic.

not for that reason to be deprived of their freedom or of their property, or to be reduced to slavery. No one has the right to trouble or disturb them in their possession of what they have received from the liberal hand of God, the Lord and Father of all men.¹ “

In his teaching at Salamanca Francisco de Victoria developed the theory of this noble doctrine. Like St. Thomas Aquinas at the Court of St. Louis, Victoria had ready access to the Emperor Charles V, who welcomed his counsel on questions relating to the Indies.

Victoria's treatise on the laws of war begins, like the work of his predecessor, with the conception of just war.

The third part of the treatise, which is headed “Diverse questions concerning things permitted in a just war” is of quite exceptional interest.

Victoria deals in succession with the three following points: is it allowable to kill innocent people, to despoil innocent people or to capture or enslave them, to kill hostages or any guilty parties, whether they have been taken prisoners or have surrendered? Is everything taken from the enemy the property of those who have taken it? Is it lawful to impose tributes? May enemy Princes be deposed? To all these questions Victoria replies in the same sense as present-day International Law.

His moderation is exemplary. “One has”, he writes, “to take into account the harm done by the enemy, the damage he has caused, and all his other wrongful acts, and to let these considerations determine the penalty and the punishment, putting out of account all inhuman or cruel feelings.” He continues, quoting Cicero: “Penalisation of the guilty must not exceed the limits of equity and humanity.” He goes further, and adds: “The disaster and the misfortune of the guilty State must be limited as much as possible, particularly as the guilt in most cases in Christian countries comes from the Princes.”

The last comment has an essentially modern note. But all this doctrine is based on the interdependence of States in the light of the welfare of their peoples.

¹ Nvs, *Etudes de Droit international*, I. page 223.

Victoria, as will be seen, as the last great Scholastic, already anticipates by the light of his genius the times that were to come. G. Goyau in the work already more than once cited says that it is in Victoria's work that we have the first appearance of "*jus inter gentes*" in the modern sense of International Law. Justinian's Institutes defined the *Jus gentium*, that is to say, the body of rules which natural reason has established amongst all men ("quod naturalis ratio inter omnes homines constituit"). Victoria on the other hand wrote: "the body of rules which natural reason has established amongst *nations*", substituting the word "nations" for the word "men", and thereby becoming the godfather of modern International Law.

We thus conclude this brief review of the ideas, which went in the Middle Ages and in the early days of modern times to contribute to the formation of humanitarian law. Brief as it is, this summary will have served to show the extraordinary moral richness of an age, which on the other side of the medal was so arid and frequently so sanguinary.

We have seen the continuity of doctrine in the splendid effort of Christian theology "to reconcile with the spirit of peace, charity, mercy, meekness (as the Gospel teaches it)," to quote once more Goyau, "the patent necessity of particular groups of human beings being compelled to fight for their rights, conceived not as selfish claims, but as applications of that universal justice, which at no point in the world ought to be injured or violated".

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