THE GENEVA CONVENTIONS OF 1929.

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The Diplomatic Conference which assembled at Geneva on July 1, 1929, at the invitation of the Swiss Federal Council was concluded on July 27 with the signing by the parties concerned of two conventions, the first revising the Geneva Convention of 1906 for the amelioration of the condition of sick and wounded in war, the second dealing with the treatment of prisoners of war. The International Red Cross Committee deserves credit for taking the initiative in both these problems, for it was the draft conventions prepared and approved at the International Red Cross Conferences of 1921 and 1923, that led to a proposal in this connection being addressed to Governments in 1925, and finally to the Diplomatic Conference which has just concluded.

It may be of interest to recall that the foundation of the International Red Cross organization, and indirectly the first Geneva Convention of 1864, owe their inception to a Swiss gentleman, Henri Dunant, who was present at the Battle of Solferino in June, 1859, when French and Italian armies attacked a position strongly defended by Austrians. More than 300,000 troops were engaged, the battle raged at close quarters for fifteen hours, the casualties were enormous, and it was stated that "the plains of Lombardy were reddened with the blood of myriads of wounded," to deal with whom the medical services were totally inadequate.

A little book entitled "A Souvenir of Solferino," published by Dunant in 1862, descriptive of the sufferings of the wounded and the horrors of the day, attracted European attention. He urged the formation in all countries of Voluntary Aid Societies to succour the wounded in war time,
and to assist the army medical services both in the hospitals and in the field. During peace, the societies were to be more or less inactive, but would be made use of in severe epidemics, or in time of national disasters, such as earthquakes, flood, volcanic eruptions, etc. Dunant’s efforts to interest European Governments in his scheme for rendering first aid to the wounded met with marked success, for in October, 1863, an International Conference, representative of fourteen Governments (including Great Britain) met at Geneva and laid the foundation of the International Red Cross Committee of the present day. It recommended the establishment in each country of a Red Cross Committee, whose duties would be in time of peace to train nurses for service in war and in time of war to co-operate with, and to supplement, the army medical services.

In the following year, sixteen nations were represented diplomatically at Geneva, and the first Geneva Convention (1864) was formulated, which provided for the neutrality of: (a) field ambulances and hospitals, as long as they contained sick or wounded, and (b) of the personnel employed with these units; sick and wounded to be taken care of irrespective of nationality; protection to be afforded to persons or buildings sheltering sick or wounded; a distinctive armlet to be worn by all persons protected by the Convention; a distinctive flag for medical units, to be flown along with the national flag; the emblem of the medical services to be a red cross on a white ground, formed (as a compliment to Switzerland) by reversing the arms of the Swiss Federal Government, which include a white cross on a red ground.

It is worth recording, perhaps, that Dunant himself attributed his inspiration to Florence Nightingale, “the lady with a lamp,” whose services, during the Crimean War and after, are historical, for in a lecture delivered in London in 1872 Dunant said, “Though I am known as the founder of the Red Cross and the originator of the Geneva Convention, it was an Englishwoman to whom all the honour of that Convention is due. What inspired me to go to Italy during the war of 1859 was the work of Miss Florence Nightingale in the Crimea.”

At the Conference that opened at Geneva on July 1, 1929, forty-seven Governments were represented by delegations, and there were in addition delegates from the International Red Cross Committee, the Sovereign and Military Order of Malta and the League of Nations.

The Conference, on the first day, decided to divide into two general committees, one to deal with the revision of the second Geneva Convention (1906), and the other to draft a code for prisoners of war. The real work of the Conference was done by these committees and their sub-committees, and no general meeting of the whole Conference was again summoned until July 26, when two reports setting forth the work of the respective committees and two draft Conventions were submitted for the general approval of the delegates, and on the following day the Conventions were signed by the plenipotentiaries of thirty-two Governments.
The first Geneva Convention was revised in 1906, and introduced some new material; for example, reference was made to the Voluntary Aid Societies of belligerents, which were not referred to in the Convention of 1864, and had therefore no rights under it. The Voluntary Aid Societies had steadily developed since 1863, and had enabled the Red Cross Society to extend its sphere of activity to a maximum, and these organizations were accordingly in 1906 granted "respect and protection."

The recent Conference submitted the Convention of 1906 to a thorough and critical examination, although it was admitted that its provisions had successfully stood the test of the Great War. It was, however, felt that certain defects had been discovered in the fabric, that certain articles might be made more definite, and that several passages liable to misinterpretation might be clarified.

To get a comprehensive view of the work accomplished in July and the progress made, a comparative study of the two Geneva Conventions—that of 1906 and the recent one—is necessary, and anyone desirous of further pursuing the subject will find very interesting reports in the July and August numbers of the _Revue internationale de la Croix-Rouge_. Here it will be sufficient to comment on some of the chief points.

Articles 3 and 4 contain provisions of a more precise nature to ensure that after each battle the field is searched for wounded and dead soldiers; that before burial or cremation there is a careful examination to establish identification and to ascertain that the man is really dead; that the dead are given an honourable burial; that their graves are respected, and can always be identified. For this latter purpose, an organization similar to our War Graves Commission must be set up by belligerents on the outbreak of hostilities. These organizations are, on the termination of hostilities, to exchange the lists of graves and the names of persons buried in their respective cemeteries.

Article 18, concerning the protection of air ambulances, is a new feature, in so far as the Geneva Convention is concerned, although this subject was discussed at the International Red Cross Conferences held in Geneva in 1923 and 1925, and very fully at The Hague in October 1928, where it was finally decided that this was a matter outside the scope of that Conference of Red Cross delegates and Government representatives, but within the competence of the Diplomatic Conference of 1929. This article extends the protection of the Geneva Convention to air ambulances engaged exclusively in the evacuation of sick and wounded, or in the transport either of medical personnel, or urgently needed medical equipment. Air ambulances should be painted white, and should have the Red Cross emblem, along with the national colours, on their upper and lower aspects. Without special and express permission, they are forbidden to fly over the line of fire, or over the zone in front of the casualty clearing units, or over enemy territory. They must obey every summons to land. In the case of forced or other landing in enemy territory, the personnel and the equipment, as well as
the machine itself, come under the protection of the Geneva Convention. The pilots, wireless operators and mechanics are to be repatriated, on condition that until the cessation of hostilities, they are not further employed in warfare, otherwise than in the medical services.

The emblem, the Red Cross on a white ground, universally respected and recognized, remains the distinctive sign of the medical services, and the use of the Red Crescent and of the Red Lion and Sun, adopted by certain Moslem countries, is now permitted by Article 19 of the new Convention.

Duly recognized Voluntary Aid Societies are authorized by Article 24 to make use of the Red Cross emblem in connection with their humanitarian activities in peace-time. Thus what was hitherto a privilege granted to them now becomes a right.

Further, subject to the laws in force in their respective countries, the emblem may also be used under the special authority of National Red Cross Societies to indicate Aid Posts exclusively devoted to the gratuitous treatment of sick or injured persons. But, as M. Paul Dinichert, the Chairman of the Diplomatic Conference, has remarked, "these Societies will be well advised to grant such permission with the greatest reserve and on the understanding that their own responsibility is thereby involved."

Abuse of the emblem and the improper use of the term Red Cross are legislated for in Article 28, in which the parties signatory to the Convention undertake to prevent not only improper use of the distinctive emblem and of the designations Red Cross or Geneva Cross, but also of any sign or designation constituting an imitation. The Conference has ordained in this article, in view of the employment by individuals and societies of the Swiss Federal emblem (the white cross on a red ground) either as trade marks or for other purposes, that the same protection as that given to the Red Cross should be accorded to the Swiss arms "in order to put an end to this reprehensible and unscrupulous practice on the part of the over ingenious firms, who thereby speculate on the universal prestige of the Red Cross, and take advantage of the inevitable confusion arising among the public in distinguishing between the two emblems, in which the colours are identical but inverted" (M. Dinichert).

Another new article is No. 30, in which the contracting parties agree, in the event of an alleged violation of the Convention, to submit to an international court of inquiry, and if the violation is thereby confirmed, immediately to suppress it.

In drawing up the Convention dealing with the treatment of prisoners of war, the Diplomatic Conference again received great assistance from the International Red Cross Committee, who undertook the onerous task of preparing a preliminary draft of the code which formed the basis of deliberation. This draft, which originally contained 103 articles, was considered too detailed and cumbersome by some of the delegates, but no fewer than 97 of these articles were adopted or adapted by the Convention, proving that the Red Cross Committee had dealt with the problem in the right spirit.
The guiding principles regarding the treatment of prisoners of war are laid down in Chapter II of The Hague Convention of 1907, which is concerned with the laws and customs of war on land. The experiences of the Great War proved that these principles were inadequate and incomplete. It is impossible to deal here with the ninety-seven articles of the new Convention, and I must limit myself to drawing attention to some of its provisions which are of capital importance and which are of special interest to the medical services.

Chapter II of The Hague Convention refers solely to prisoners of war on land, while Article 1 of the 1929 Convention extends its application to all categories of prisoners of war, to men taken prisoner in naval or aerial warfare, as well as on land, subject to certain exceptions resulting from the conditions of capture.

Article 2 contains another new principle: it prohibits measures of reprisal in regard to prisoners of war. M. Dinichert, President of the Convention, quoted the instructions issued to the United States armies in 1863, and they are worth repeating here: "The rules of warfare in their present form cannot prevent the adoption of measures of reprisal. Civilized nations, however, see the saddest side of war. Consequently, acts of reprisal must never be committed with the sole object of revenge; they must be adopted by way of protective punishment and, even then, with the greatest possible circumspection. Illegitimate and inconsiderate reprisals cause the belligerents to depart more and more from the regular rules of warfare and rapidly involve them in a war of extermination as practised by uncivilized races."

The conditions of prisoner-of-war camps, their food, clothing, employment, remuneration, complaints and penalties to be imposed, are dealt with in detail in the light of the experience of long years of war.

Several articles of this Convention are devoted to defining, confirming or extending the duties of the Power nominated by a belligerent to represent his interests with the adversary, on behalf of prisoners of war. The latter will in future have the right of submitting complaints and requests to the representatives of the Power whose duty it is to look after the prisoners' interests. These representatives will have the right of intervening in an active and efficient manner in the event of legal proceedings, or convictions, against prisoners. The protecting Power also will have the right to have the prisoner-of-war camps inspected by officials or by private individuals.

A chapter of the Convention is concerned with the establishment of official bureaux of information and of relief organizations, which should be set up in the different countries.

An important subject is the disposal of sick and wounded prisoners. The Geneva Convention of 1906 lays down that belligerents may mutually agree either to repatriate sick and wounded whom they do not wish to keep as prisoners, or to hand them over to a neutral Power with a view to internment until the cessation of hostilities. The new Convention requires belligerents to repatriate all prisoners of war who are seriously ill or severely
wounded irrespective of numbers or of rank. Special agreements are to be concluded between belligerents to decide the classes of disability warranting repatriation, or admission to the hospitals of a neutral country. Another article in this connection has reference to a special agreement between belligerents regarding the repatriation, or the admission to a neutral hospital, of healthy prisoners of war who have been a certain length of time in captivity.

There are two articles (37 and 38) common to both the Conventions signed on July 27, 1929, of which mention must be made. Neither the Geneva Convention of 1906, nor The Hague Conventions dealing with the laws and customs of war on land, were binding, when one of the belligerents was not a subscriber to the Conventions. The new Conventions, on the other hand, are obligatory for the belligerents signatory thereto, even if one or more of the belligerent Powers has not signed. More than this, it is definitely enacted that a state of war will give immediate effect to the adhesion or ratification of the belligerent Powers before or after the commencement of hostilities, and that a "denunciation" of the Conventions shall remain inoperative during a war in which the denouncing Power is a belligerent.