

## IN 1864

The middle years of the XIXth Century were teeming with ideas and full of historical events of great significance. Science was beginning to take a predominant place in the world and there was an evergrowing belief in continued progress.

It was during this period of elation that there took place in Geneva from August 9 to 22, 1864, the Congress which drew up the "Convention for the Amelioration of the Condition of the Wounded in Armies in the Field"<sup>1</sup>. The signing of this important text of international law set the seal to a certain extent to the creation of the Red Cross and some even considered it to be one of the great achievements in history. Of the Convention, Gustave Moynier wrote : "Its existence fills a gap between past and future as regards the effectiveness of the law of nations for the attenuation of the calamities of war. It will henceforth only need a stroke of the pen to banish old practices which centuries were barely able to discard. Thus to the glory of having profoundly altered the philosophy of law by joining it with ethics, our period has added the achievement of having created genuine rules of war."

In many countries public opinion gave a favourable reception to the new humanitarian ideas. These ideas took form in the recommendations and resolutions adopted from October 26 to 29, 1863, at the international Conference convened in Geneva by the "International Relief Committee for the Wounded", which was later to become the International Committee of the Red Cross.

The reception was generally excellent, societies were formed and on May 28, 1864, Gustave Moynier was able to write to Henry Dunant, who was in Paris preparing a favourable climate for the

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<sup>1</sup> *Plate.*

projected congress : "I have received official notification of the constituting of committees from Vienna, Brussels and Copenhagen." It was not, however, only societies which were being created in accordance with Henry Dunant's wish expressed in his book "A Memory of Solferino". Private individuals were also fired with enthusiasm and wrote direct from different countries offering their services to the Geneva Committee. The latter, for example, received on July 4 the following letter written by an inhabitant of Liège and which gives a moving testimony of the immediate reaction on the part of the Belgian population to Dunant's remarks concerning the employment of voluntary nurses on the battlefield. It should be remembered that war had broken out five months previously between Prussia and Denmark.

A well-inspired Belgian newspaper recently published a small article on the subject of nursing volunteers who have formed international relief societies. If I thought it would please you to read the whole article I would transcribe it here, but I refrain from doing so, as I have reason to believe that you already have knowledge of it.

The purpose of this letter is to offer the society my humble services at the scene of the fighting to work as a nursing volunteer. I am French and went through the Italian campaign ; you will therefore understand that whilst I desire to join the charitable and philanthropic institution of which you are the President, I have seen at close quarters what are so rightly called the horrors of war.

However, if a knowledge of German or Danish is necessary—although I do not think such is the case—I would ask you to disregard this letter, as I know neither of these languages. Otherwise, would you be so kind as to let me know to which Belgian town I should go, thence to be directed to the scene of hostilities.

The local press reflected this enthusiasm and gave its readers information on the congress which was about to take place. The *Journal de Genève* published on August 7 an article which, inspired no doubt by the members of the Committee of Five, gave a true picture of the general atmosphere and of the ends it was hoped would be attained.<sup>1</sup>

The Conference which was held in Geneva last October and whose object was to ameliorate the condition of the victims of war has not been a dead letter. It has borne fruit.

No power was given its members in any way to commit the various States which they had been charged with representing.

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<sup>1</sup> See *Revue internationale*, May 1954.

The question was new at least for Europe. It had to be broached, its chief points discussed, the numerous difficulties examined. The desired result could not immediately be reached.

The assembly therefore dissolved, after four days' discussions, after having adopted *resolutions* which were in fact but *recommendations* engaging no one, but initiating the consideration of one of the deepest human problems which modern society has to face.

These recommendations were of two kinds. The one bearing on aid to be given to the wounded, whether on the battlefield or in ambulances or hospitals, by assisting, when this is necessary, official relief elements which, despite the solicitude and good will on the part of governments, are hardly ever sufficient to meet real needs. In this case individual initiative is all. The humanitarian activity of the whole population must do everything and should have no other contact with the government than to be approved.

Another recommendation of the Conference was of quite a different nature.

This was a question of obtaining the *neutralization* of the wounded and of all persons whose duty it is to care for them. One can understand that here all private action becomes invalid and that the adoption of this principle rests entirely in the hands of those making peace or war. It was this direction which the International Committee was to take, to which the Conference on its dissolution had entrusted its interests. It therefore addressed itself, either directly or indirectly to the European powers and had the good fortune to meet practically everywhere with a sympathetic reception.

From this general agreement to the convening of a new conference, there was but a step, and this has been taken. The Federal Council has invited various governments to send delegates to Geneva who will take up this special point of *neutralization*. Out of this new meeting, however, one could say, from this congress it is most likely, even probable, that there will emerge, under one form or another, an *international treaty* engaging the contracting powers to declare neutral, that is to say not to make prisoners of war, either seriously wounded military or medical personnel caring for them. We therefore have reason to say that the work of the October conference has not been in vain.

An account of all that has been done on this important and most interesting subject has just been published under the title *Communications of the International Committee*. Those who are attracted by such questions will be able to find there all the successive phases through which this question has passed since the publication of Mr. Henry Dunant's book, *A Memory of Solferino*, which can be regarded as being the initial spark, until the convening of the Congress which will be assembling tomorrow, August 8 in Geneva.

The International Committee considered it its duty to send two delegates to Denmark and to the German side, both to demonstrate its sympathy as well as to discover how aid was actually being given

to the wounded. Dr. Appia and Captain Van de Velde each submitted most interesting reports to it on the result of their mission. These two reports are included in the International Committee's publication. It also contains a summary of the work of the *medical commission* in the United States, this admirable institution which progresses with great strides, whilst we are still discussing whether the movement is even possible.

The pamphlet ends with a list of members of the relief committees in various European countries and with a reproduction of their statutes.

Whatever may be the results of this great humanitarian movement, we believe that its object has deeply penetrated the public conscience and we hope that it will remain there and fully ripen.

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Henry Dunant and his colleagues actively intervened from November 1863 onwards to make the recommendations and resolutions of the International Conference widely known and to obtain official support. Their efforts were crowned with success, since on June 6, 1864, the Swiss Confederation sent out invitations to all European governments as well as to the United States of America, Brazil and Mexico :

*In October 1863, an International Conference, meeting in Geneva with a view to obtaining more adequate aid to the wounded on the battlefield, adopted resolutions for the formation in all States of Committees for the encouragement and realization of these humanitarian efforts, by preparing them in time of peace and by putting them into effect in time of war.*

But in addition to these resolutions that Conference also made the following recommendations :

A.—*That Governments should extend their patronage to Relief Committees which may be formed, and facilitate as far as possible the accomplishment of their task ;*

B.—*That in time of war the belligerent nations should proclaim the neutrality of ambulances and military hospitals, and that neutrality should likewise be recognized, fully and absolutely, in respect of official medical personnel, voluntary medical personnel, inhabitants of the country who go to the relief of the wounded, and the wounded themselves.*

*C.—That a uniform distinctive sign be recognized for the Medical Corps of all armies, or at least for all persons of the same army belonging to this Service ; and that a uniform flag also be adopted in all countries for ambulances and hospitals.*

*The provisional International Committee of Geneva is of the opinion that these recommendations should be formulated in such a manner as to be obligatory and for them to be accepted by all States. Encouraged, therefore, by the keen interest shown by governments and the people, it requested the Swiss Federal Council to convene a General Congress in order to have these principles confirmed in accordance with the law of nations.*

*The Swiss Federal Council considers it to be its duty to comply with this request. Existing treaties assign a neutral rôle to Switzerland in time of war. It is, however, precisely this position which justifies the interest it takes in the wounded and the measures it proposes to other States for their care.*

*The Federal Council therefore invites the Government of \_\_\_\_\_ to take part in a general Congress to deal with this special question and proposes the city of Geneva as the place of meeting and Monday, August 8 next for the date on which the Congress opens.*

*Trusting that the Government of \_\_\_\_\_, appreciating that these efforts will be both useful and advantageous for all the States to conclude such an agreement, will see its way to accept this invitation. The Federal Council assures Delegates of a cordial welcome and expresses the assurance of its high consideration.*

The principal aim of the Congress, which was to meet a little over two months later, was to declare the neutralization, in time of war, of ambulances, hospitals, official medical personnel and voluntary aids.

The adoption of a common attitude can already be seen from the very first session as testified by the official minutes of August 9, 1864, written up by Dr. H. Brière, Secretary of Conference. These were as follows :<sup>1</sup>

« Delegates met at the Hôtel-de-Ville of Geneva on Monday, August 8, 1864, at 1.30 p.m. The following were present :

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<sup>1</sup> ICRC Archives. The official texts were in French and we now give their English translation.

For Baden :

Dr. *Steiner*, Major, Army Medical Service

Dr. *Volz*, Medical adviser, Member of the Medical Directorate

For Belgium :

Mr. Aug. *Visschers*, Adviser to the Mining Council

For Spain :

H. E. J. *Heriberto Garcia de Quevedo*, Chamberlain and Chargé d'Affaires of His Catholic Majesty to the Swiss Confederation

For France :

Mr. *Jagerschmidt*, Assistant Director at the Ministry of Foreign Affairs

Mr. *de Préval*, Assistant Military Administrator, Class I

Dr. *Boudier*, Chief Medical Officer

For Great Britain :

Dr. *Longmore*, Deputy Inspector-General of Hospitals and Professor of Military Surgery

Dr. *Rutherford*, Deputy Inspector-General of Hospitals

For the Grand-Duchy of Hesse :

Major *Brodrück*, General Staff Officer

For Italy :

Cavaliere Felix *Baroffio*, Divisional Medical Officer

For the Netherlands :

Mr. *Westenberg*, Secretary of Legation of H.M. The King of the Netherlands at Frankfort

For Portugal :

Dr. José Antonio *Marques*, Assistant Head of the Military Health Department

For Prussia :

Privy Counsellor of Legation *de Kamptz*, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation

Dr. *Loeffler*, General Medical Officer of the 4th Army Corps

Mr. *Ritter*, Privy Counsellor at the Ministry of War

For the Kingdom of Saxony :

Dr. *Günther*, Chief Army Medical Officer

For Sweden :

Major *Staaff*, General Staff Officer, Military Attaché at the Legation of H.M. the King of Sweden and Norway in Paris

For Switzerland :

General *Dufour*, Commander-in-Chief of the Federal Army

Mr. Gustave *Moynier*, President of the International Committee

Dr. *Lehmann*, Chief Army Medical Officer

For Württemberg :

Dr. *Hahn*

At the opening sitting Mr. *de Kamptz* proposes General Dufour as President of the Assembly. This proposal is adopted unanimously.

General *Dufour*, having taken the chair, asks the Conference to agree to Dr. *Brière*, Divisional Medical Officer of the Federal Army, to act as Secretary. This proposal having been accepted, Mr. Secretary is duly introduced.

General *Dufour*, on behalf of the Federal Council, welcomes the representatives of foreign governments and thanks them for having responded to the Confederation's appeal for the purpose of concluding a Treaty for the neutralization of the medical military service and of the wounded, a treaty which has been called for in no uncertain terms by mankind. He regrets that there are still some vacant seats amongst the deputations.

The question of credentials is then discussed.

The representatives of France and Switzerland are alone recognized as having full powers in due and proper form. Those of Spain, the Netherlands, Portugal and Württemberg, present powers by which they have authority to negotiate and sign the projected convention. The delegate of Spain, however, declares that he will forthwith telegraph his government to discover whether it considers it necessary to send him special full powers for the act of signing. The delegates of Baden, Belgium, Great Britain, Hesse, Italy, Prussia, Saxony and Sweden have participation in the debates of the Conference as their sole mission, but have not been authorized to sign diplomatic acts. Nevertheless, they promptly declared that

they would immediately request their governments to send them the requisite powers. The delegate of Sweden will request these by post, but he does not expect, in view of the distance involved, to receive the requested authorization before the end of the session. He does not consider it possible to make use of telegraphic channels, since these would not enable him to give sufficient explanation of the reasons for his requests.

Mr. *Jagerschmidt* states that, under these circumstances, there are, according to him, only two ways to be pursued as regards the various points to be dealt with by the Congress : either the delegates with full powers will meet alone to negotiate, or else, and this alternative seems to him to be preferable, the debate should be opened immediately, in which all will take part. At its close, those delegates with full powers at that time will then sign, the protocol being left open for subsequent accessions by States whose delegates have not been assigned full powers.

Major *Staaff* is of the opinion that the object of the Congress, that of dealing with a draft Convention, is sufficiently clear and definite, and that all the Deputations should be able to take part in the discussions.

Messrs. *de Kamptz* and *de Quevedo* share the view expressed by Mr. *Jagerschmidt* and propose that delegates at present having powers sign together with those who will be receiving them subsequently and before the moment of signing.

*The President* considers that the substance of the negotiations should first be dealt with before discussing their form which will be remitted to a diplomatic Commission. This Commission, whose appointment is in the hands of the President, will consist of five members : Messrs. *de Kamptz*, *de Quevedo*, *Jagerschmidt*, *Longmore* and *Moynier* (the latter on Dr. Lehmann's refusal of nomination). This Commission will deal in particular with the form to be given to the treaty once it has been approved.

General *Dufour* then defines and explains the purpose of the meeting to the Assembly as follows :

" Gentlemen, the object of our present meeting is so simple that I have in fact but few words to address to you. It has been

specially and thoroughly indicated in the letters of invitation which have been sent out by the Federal Council to your respective governments, under date of the 6th of June of this year. It is merely a question of *neutralization* of ambulances and medical personnel of armed forces in the field, as well as of the wounded. This then is the *sole* object of convening this assembly. It appears, however, according to the gist of several letters and facts which have been brought to our knowledge, that this has not been generally understood and one has seen it to be more complicated and full of difficulties than is really the case.

I will therefore briefly remind you, although this is no doubt already known to you, that the International Conference which was held in this city in 1863, after having adopted certain resolutions relative to the organization and the action of Relief Committees in various countries, to come to the aid of the official personnel of the armies in the field, nearly always inadequate after large-scale battles ; that this Conference, I say, accompanied its resolutions with three articles which are the expression of its recommendations in order to arrive at a state of affairs urgently demanded by the present circumstances of civilization and real Christian charity.

These are the texts of the recommendations :

A.—That Governments should extend their patronage to Relief Committees which may be formed, and facilitate as far as possible the accomplishment of their task ;

B.—That in time of war the belligerent nations should proclaim the neutrality of ambulances and military hospitals, and that neutrality should likewise be recognized, fully and absolutely, in respect of official medical personnel, voluntary medical personnel, inhabitants of the country who go to the relief of the wounded, and the wounded themselves.

C.—That a uniform distinctive sign be recognized for the Medical Corps of all armies, or at least for all persons of the same army belonging to this Service ; and that a uniform flag also be adopted in all countries for ambulances and hospitals.

You will realise, according to this, that if, in the optional forming of Relief Committees, the Conference was able to adopt several resolutions included in the reports of its meetings it could,

as it in fact did, only make recommendations for the realization of the aims mentioned in the above-quoted articles, since here the intervention of governments became necessary. Its competence did not extend as far as that.

These recommendations were favourably received by several governments who went so far as to express their sympathy to the International Committee of Geneva with the work of the October Conference, and their desire to see accomplished that which it had voiced merely under the form of recommendations. One great Power, in particular, to whom I feel I should now address my own sincere thanks and those of the entire Committee, has showed itself prepared to take the initiative of convening a Congress to realize a project in which so many people are interested. At the same time, however, it had the sensitivity to leave this honour to a small country in which the question had originally been raised and which because of its size and state of neutrality was perhaps the best qualified to bring about such a meeting. It is by virtue of this that the Federal Council, that is to say the Swiss Government, found itself in the position of sending out invitations to all States with which it maintains established relations.

Let us go back to the three articles of the Conference. Of the first, A, there is nothing to say or to propose. It does not supply matter for a Convention, each government being able to do everything, within the limits of its own territory and its attributions, it considers suitable for facilitating the creation and the work of relief committees which may be formed in its own States, or it may merely tolerate them. It is obvious in this respect that it must have complete liberty of action. There is nothing, absolutely nothing, that can be ordained for it and it has to take no engagement whatsoever which might alter or in any way impede its medical services of the armed forces in the field.

The other two articles, B and C, relating to neutralization are, properly speaking, the only ones with which we have to deal. They in fact constitute the sole object of our work and all our efforts. Let us not lose them from sight so as to avoid sterile digressions. Gentlemen, you are called upon to examine these articles thoroughly in all their facets and to produce from them the text of a *Convention* in the requisite form for a diplomatic instrument, to act as law amongst nations, or to regulate their relations with each other.

I therefore repeat this, and I do so by design. This is not a matter either of making new proposals for forming and extending Relief Committees, or of alterations in the rules which have been adopted and consolidated by experience, nor of modifications which might arouse justifiable suspicion. Those who may have thought to the contrary have given themselves a false idea of the purpose for which we are meeting. And if this is the reason which has prevented some States from sending representatives to our Congress, I can only express my great regret. They have in fact entirely misunderstood our intentions. They will appreciate them more, I hope, when they learn of them through reading the act which will come out of our deliberations. It will therefore be a good thing to give them the opportunity of acceding to them later on by leaving, as one says, the protocol open.

We, Gentlemen, have no thought of anything bordering either closely or remotely on the innovation or the proposals mentioned above. We will even make a point of avoiding anything which resembles this. We only want one thing : *the Neutralization of ambulances and medical personnel between belligerents*. That is all. We do not want anything more. However, this matter which is apparently quite simple, presents several difficulties of a practical nature one should not attempt to hide, but which you will no doubt be able to overcome. At all events, the question can have the widest repercussions by the way it is decided, since it is capable of introducing a new law of nations between countries at war by bringing a deep and most advantageous modification to that which has existed so far.

Whilst armed conflicts will unfortunately always exist in a world of opposing interests in which human passions are aroused, there must at least be enlightened men in all countries to attempt to alleviate their deplorable effects by making philanthropic ideas prevail, as far as possible, on behalf of the victims of these heart-breaking discussions. One great step forward has already been taken in this direction. The wounded are no longer abandoned on the field of battle, nor are they any more maltreated, whatever the existing animosity between the opposing parties. The conqueror collects and cares for them as he does in the case of his own people. They do not lack aid either from official doctors or from those who take as their example the devotion of one woman whose name will everywhere be blessed and will for long be venerated. But this is by

no means enough. Let us now take one step more by obtaining the benefits of Neutrality for the wounded, as far as possible, so that, after having extended a helping hand to them in misfortune, after having bandaged their wounds and relieved their suffering, there may no longer be interference in their freedom. Attempts have already been made on several occasions to have the principle of neutrality admitted for ambulance personnel and for the wounded themselves. Many Commanders of opposing sides have signed cartels and special conventions to that effect, although without lasting results. The time, however, was not then yet ripe to demand such concessions from old customs. Let us try to reach such a result more completely and in a more certain manner, upheld as we are by the good wishes and favourable dispositions of the governments themselves. Man's spirit is now prepared for this and circumstances are all most favourable to us.

That is the reason for this Congress, that is its task than which one could imagine none nobler or finer.

May we achieve success. Let us not separate without the conviction that we have done something for suffering humanity.

I declare the Congress of Geneva open."

The text of the draft treaty is then read out, as well as an account of preceding ones concerning the neutralization of the medical service, which are both distributed to the members present.

A discussion ensues in order to decide how voting is to take place, whether this should be by each State represented or by heads.

Mr. Jagerschmidt remarks that votes cannot be cast on the articles of the Convention, since the majority can never bind the minority, however weak it may be.

The protocol will only contain the proposals made with the necessary explanations for them to be understood.

After discussion, the meetings are arranged for one o'clock in the afternoon.

The meeting is adjourned.»

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There were a series of receptions during the whole period of the Congress, and the seventh and last session took place on August 22. Dr. Brière was able to write :<sup>1</sup>

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<sup>1</sup> We would point out that, when speaking of the "President", the Secretary to the Conference was referring to General Dufour.



*Gustave Moynier (1826-1910)*

**ARTICLE 3.**—*The persons designated in the preceding Article may, even after enemy occupation, continue to discharge their functions in the hospital or ambulance with which they serve, or may withdraw to rejoin the units to which they belong.*

*When in these circumstances they cease from their functions, such persons shall be delivered to the enemy outposts by the occupying forces.*

**ARTICLE 4.**—*The material of military hospitals being subject to the laws of war, the persons attached to such hospitals may take with them, on withdrawing, only the articles which are their own personal property.*

*Ambulances, on the contrary, under similar circumstances, shall retain their equipment.*

**ARTICLE 5.**—*Inhabitants of the country who bring help to the wounded shall be respected and shall remain free. Generals of the belligerent Powers shall make it their duty to notify the inhabitants of the appeal made to their humanity, and of the neutrality which humane conduct will confer.*

*The presence of any wounded combatant receiving shelter and care in a house shall ensure its protection. An inhabitant who has given shelter to the wounded shall be exempted from billeting and from a portion of such war contributions as may be levied.*

**ARTICLE 6.**—*Wounded or sick combatants, to whatever nation they may belong, shall be collected and cared for.*

*Commanders-in-Chief may hand over immediately to the enemy outposts enemy combatants wounded during an engagement, when circumstances allow and subject to the agreement of both parties.*

*Those who, after their recovery, are recognized as being unfit for further service, shall be repatriated.*

*The others may likewise be sent back, on condition that they shall not again, for the duration of hostilities, take up arms.*

*Evacuation parties, and the personnel conducting them, shall be considered as being absolutely neutral.*

**ARTICLE 7.**—*A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuation parties. It should in all circumstances be accompanied by the national flag.*

*An armlet may also be worn by personnel enjoying neutrality but its issue shall be left to the military authorities.*

*Both flag and armlet shall bear a red cross on a white ground.*

**ARTICLE 8.—***The implementing of the present Convention shall be arranged by the Commanders-in-Chief of the belligerent armies following the instructions of their respective Governments and in accordance with the general principles set forth in this convention.*

**ARTICLE 9.—***The High Contracting Parties have agreed to communicate the present Convention with an invitation to accede thereto to Governments unable to appoint Plenipotentiaries to the International Conference at Geneva. The Protocol has accordingly been left open.*

**ARTICLE 10.—***The present Convention shall be ratified and the ratifications exchanged at Berne, within the next four months, or sooner if possible.*

*In faith whereof, the respective Plenipotentiaries have signed the Convention and thereto affixed their seals.*

*Done at Geneva, this twenty-second day of August, in the year one thousand eight hundred and sixty-four.*

The great task which the Committee of Five had assigned itself was thus crowned with success and one can but admire this text whose moral and juridical significance was of such a high level and whose form was as precise as it was clear. Moynier, however, had written to Dunant on June 1, 1864 when the latter announced his intention of leaving the International Relief Committee for the wounded: "Once the Treaty has in fact been signed for neutralization and Committees have everywhere been formed, which will not be long delayed, there will not remain much to do and we will at least have the satisfaction of having all together brought our, or rather your enterprise to a successful outcome."

If the first object was attained, this was not the case for the second. Committees did not everywhere exist and from Geneva the formation of relief societies had to be urged forward, their numbers were still indeed limited to a mere nine. It was for that reason that an International Conference of Relief Societies met

on August 10 and 11, 1864 during the period of the Geneva Congress. The International Committee had convened it with its circular of July 12, 1864, the first it was to send to the Central Committees :

The International Committee takes the liberty of drawing your attention to the usefulness there would be for delegates of various relief committees already formed being present in Geneva, at a time when a Diplomatic Conference will be meeting there to ratify the recommendations of the Conference held in October 1863.

Although the plenipotentiaries are alone empowered to take part in the Congress meetings, opportunities would certainly not be lacking to the representatives of the Committees to discuss with them the work of aid to the wounded and, in our opinion, the exchange of ideas which would ensue from such talks could be extremely profitable.

That is why, Gentlemen, we now express the pleasure it would give us, if some members of your Committee could do us the honour of visiting us during the session of the Congress which will open on August 8 next.

We would be pleased to be able to make their personal acquaintance and thus establish yet one more link between our Committees, already united by one common aim.

At a time when we are celebrating the centenary of the Geneva Convention, we should remember not only the International Conference which gave it birth, but also that in which the Relief Societies, which were later to become the National Red Cross, Red Crescent, Red Lion and Sun Societies, met for the first time. Comparing their efforts they were no doubt the better aware, on that occasion, as was the International Committee itself, of the strength of the common ideal which united them and of the future which was promised to them.

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