

Dissemination of the Geneva Conventions¹

by F. Siordet

Amongst the articles common to the four Geneva Conventions of 1949 can be found the following provisions, the whole of the first part of which is identical in all four treaties:

Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field (art. 47)

and

Geneva Convention for the amelioration of wounded, sick and shipwrecked members of armed forces at sea (art. 48)

"The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains."

Geneva Convention relative to the treatment of prisoners of war
(art. 127)

"The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and in particular to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions."

¹ This paper (of which we now publish extracts) and that of Mr. des Cilleuls were presented to the Second International Congress of the Neutrality of Medicine, Paris, November 1964. (Ed.)

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Geneva Convention relative to the protection of civilian persons in time of war (art. 144)

" The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

" Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions."

For laws or international treaties to fulfil their function, it is not sufficient for them to be signed, promulgated or ratified. Two other conditions are necessary: a) that they should be known and b) that the determination exists to apply them.

This is truer than elsewhere in so far as the humanitarian Conventions of Geneva are concerned.

These Conventions explicitly affirm a certain number of principles bearing upon personal dignity, respect for life and the avoidance of unnecessary suffering, principles which all agree to consider as being imperative and valid in all circumstances and at all times, since they are intrinsically good and abandoning them would mean the destruction of civilization and a return to the law of the jungle.

The state of war leads to a general disruption of values. Under the influence of fear, resentment or hatred, notions which were considered to be the most established, even sacred, are easily revised. The determination to survive or to win at all costs, if it stimulates energies, blunts men's consciences, rendering them less particular as to methods of fighting in proportion to the desired result. The search for immediate success makes the combatants blind to the long-term consequences which can be brought about by the abuse of force, the disregard of established rules and the accumulation of individual suffering. To mention only the last world conflict, will one ever be able to estimate the amount of destruction, material and moral ruin and human suffering inflicted in sheer loss, and that of millions of men, women and children exterminated by bombing or in the camps whose deaths had not the slightest effect on the final outcome of the conflict ?

By signing, then ratifying the four Geneva Conventions of 1949, the civilized States considered it right, faced with this state of affairs, to promulgate afresh, in the most solemn fashion, that even the so-called "necessities of war" cannot permit everything and that humanity itself has its own exigencies which are superior to them. They undertook to respect these in all circumstances, unconditionally, without even subordinating them to the rule of reciprocity. When they did this, the States recognized the usefulness of the previous Conventions, those of 1929, which in countries where they were legally in force and as regards the then limited number of people which they were aimed at, succeeded in saving millions of lives.¹ They also wanted these Conventions to be improved in the future, that they cover every category of victim of conflicts, civilians as well as military, and that they would be really universal.

This wish has been fulfilled. Since then the Geneva Conventions of 1949, four in number, have so far been ratified by 103 countries, that is to say by nearly every State in the world, including the Great Powers. One is therefore entitled to think that should a new conflict break out, these Conventions would save proportionally more people than did those of 1929.

Certainly, the 1929 prisoners-of-war code has not always been strictly applied, far from it. There have been violations, more or less grave, non-compliance and inefficiency and it was necessary for 11,000 visits to be made to camps by a handful of ICRC delegates and by representatives of the Protecting Powers to ensure its relatively correct observation. One had to struggle against the ill will of certain authorities or junior officials, against such obstacles as ignorance. Now, of all cases of non-observance of

¹ In order to judge the effectiveness of the 1929 Conventions, one need only compare mortality rates:

- a) in prisoner-of-war camps beneficiary from the Conventions,
- b) in prisoner-of-war camps in which the Conventions were not legally in force, in the absence of ratification by one or other of the belligerent parties;
- c) in civilian concentration camps for which no Convention existed.

In case a) the mortality rate was generally about 10 %, that is to say, normal. In cases b) and c) the rate was, according to the camp 30 %, 60 %, even as high as 90 %.

One can make a similar comparison in so far as delayed consequences of internment were concerned.

the Conventions of 1929, ignorance is to be met with the most frequently.

The 1949 Geneva Conventions concern all the world. They no longer protect only military wounded, sick or prisoners, but also civilians, individuals or populations who find themselves in one way or another in the power of the enemy. Each human being may one day have either to invoke the benefit of one or other of the Conventions, or apply them to an enemy. Consequently, it has become vitally important to have a thorough knowledge of these treaties and in any case of their motivating principles.

This is indeed what those who drew up the Geneva Conventions, the plenipotentiaries who signed them and the parliaments ratifying them have understood. That is why they have adopted the articles reproduced above. By these provisions, the States have undertaken to disseminate the Conventions in a more extensive manner and already in time of peace, by incorporating them as obligatory study in programmes of military and, as far as possible, civil instruction. This formal engagement is not and should not be regarded as a mere figure of speech. One can in fact say that these are the Conventions' first practical measures of execution, without which they would risk remaining inoperative, at least in the opening phases of a conflict. It is therefore the bounden duty, obligation " number one ", of governments to put these articles into application.

One is, however, obliged to observe that, apart from a few honourable exceptions, the majority of States parties to the Geneva Conventions have not yet undertaken anything of a serious nature in this field. One could restrict oneself to merely recording this fact by deploring it and remain there, since the responsibility is incumbent on governments. However, as we have already pointed out, the respect for the Conventions concerns all human beings. One cannot therefore remain indifferent to this situation and all who are conscious of the saving qualities of the humanitarian Conventions must question themselves to see what they can do, each in his own sphere and according to his means, in order to help in this dissemination as demanded by the texts themselves.

As far as it is concerned, the ICRC, promoter of the Geneva Conventions for more than a hundred years, has done everything in its power. Immediately after the Diplomatic Conference of Geneva,

it undertook the publication both of the Conventions and of a series of technical or popular works, relating either to the whole of the four Conventions or to particular problems.

Furthermore, through numerous press articles, lectures, discussions, the members of those on the ICRC staff have attempted to familiarize the general public with the Geneva texts. In addition, the ICRC has prepared a model course in five lessons which has been widely distributed and can serve as the basis for courses designed for every sort of circle. Finally, it is always ready, as it stated at the first International Congress of the Neutrality of Medicine in Paris, in 1959, to organize seminars in Geneva for all those doctors, lawyers or others interesting themselves in the application of the Conventions or to send out its qualified experts to organize such seminars. One of these was arranged at ICRC headquarters in August 1963 during the Red Cross Centenary celebrations.

Several National Red Cross Societies for their part have made some remarkable efforts to spread the Geneva Conventions.

However much has been seriously achieved, it can never be other than a partial contribution. Neither the ICRC, the National Red Cross Societies nor any private institution dispose of unlimited means. Above all, they do not have the possibilities of giving military or civilian instruction. Only governments, through their appropriate ministries, are able to ensure that thorough dissemination can be given, repeated each year, in military establishments and schools, that such instruction is made obligatory and that anyone exercising even the vestige of authority, who one day may have to apply the Conventions, can be systematically taught. All efforts made by private associations to disseminate the Conventions can greatly assist governments to fulfil their obligations; they must not, however, at all costs relieve governments from a responsibility which they have wittingly undertaken.

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