

THE EMPLOYMENT OF PRISONERS OF WAR

by

HOWARD S. LEVIE

This interesting study by Colonel Howard S. Levie of the USA, has appeared in the *American Journal of International Law* (Vol. 57, No. 2, April 1963). It is in particular, a penetrating analysis of article 50 of the Third Convention of 1949, which lays down the work which prisoners of war may be compelled to perform and that from which they are exempt. The drafting of the provisions of these articles at the Diplomatic Conference and the work preparatory thereto, proved to be a laborious task and they are indeed hardly an example of clarity, in spite of the considerable advance which they constitute by comparison with the 1929 text. At a time when war may assume an aspect we consider as "total", nothing is more difficult than defining the distinction between that which is of a military character (work which is forbidden), and that which is not (work which is permitted). For example, if the construction of a fortification is incontestably intended for military purposes, it is not always possible to be specific with regard to other constructions: normally a cinema is for civilian purposes even though audiences may be military personnel. But, the construction of a cinema intended for the training of troops is military in character and purpose. The author consequently concludes that the determining factor is whether the work involved is carried out for the purpose of "military use" or "civilian use", irrespective of the fact that military personnel may benefit.

The author studies another point in a thorough manner; the exclusion of POW labour in three categories of industry, i.e. the metallurgical, engineering and chemical industries. On the other hand, it is permissible to have prisoners working in productive, extractive and manufacturing industries other than the three mentioned. Furthermore, transport, as well as loading and unloading operations are only authorized provided they are not military in character and purpose. The author concludes that prisoners of war may be compelled to work; for example, in a factory producing military uniforms (manufacturing industry,

therefore authorized), but they may not be called upon to load these uniforms on a lorry leaving the factory (transport for indisputably military purposes). Such are the conclusions to be derived from a text which does not seem to have been made sufficiently precise at the 1949 Conference.

Apart from these analyses which also deal with various other points included in Section III of Chapter VII of the Third Convention concerning work by prisoners of war, this article gives a great deal of interesting information on the practice followed in this respect by the allies during the Second World War together with numerous references of the greatest interest.

The ICRC which drew up the complete commentary on the Geneva Convention of 1949, although not agreeing with the author in all of his conclusions, is better placed than anybody to appreciate this valuable contribution to the interpretation of a particularly important set of provisions which, indeed, in their implementation, might well raise controversy. However, although the letter of the Conventions is at times uncertain, the spirit in which they were evolved will, it is to be hoped, enable the contracting parties to interpret them correctly.

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by

FRIEDRICH FORRER

“The German Red Cross during the Second World War” is the sub-title of this work of nearly 300 pages and containing 53 photographs.

Written in a brisk style, it gives an account of dramatic occurrences taken from real life and related in an extremely concise manner. The six chapters reflect here and there the tragedy of the situation or the hope of a better world under the sign of the

¹ Adolf Sponholtz Verlag, Hanover.