

A TREATY ON THE REGULATION OF WAR IN 1820

An article by Mr. Pedro Grases, in a review issued by the Venezuelan Ministry of Education,¹ gives some interesting information about a humanitarian venture launched in Latin America more than a century and a half ago. We think it worth while to reproduce this article because, in Latin America, the generous spirit shown towards the adversary undoubtedly laid the foundations of the National Red Cross Societies which are now carrying out an ever wider and more effective task.

The liberation of New Granada, following the battle of Boyacá (7 August 1819), and the foundation of the Republic of Colombia (17 December 1819), both of which were achieved by Simón Bolívar, entirely changed the outlook of the war of independence which American patriots were waging against the administering country. Pablo Morillo, at the head of his expeditionary army, confronted the considerably stronger army commanded by Bolívar. In Spain itself the successes and the progress of the revolution of American emancipation contributed to restoring the liberal regime represented by the Cadiz Constitution of 1812, reluctantly promulgated in Caracas on 7 June 1820. All this created a favourable climate for the contending powers to enter into negotiations which resulted in the signing of an Armistice and of a Treaty on the Regulation of War, thus ending the period of violence which had started ten years earlier.

The Armistice concluded between Simón Bolívar, Liberator and President of Colombia, and the commander in chief of the Spanish army, was signed on 25 November 1820 by the representatives of

¹ *Tricolor* No. 215, November-December 1970, a magazine for school-children published in Caracas.

the two Contracting Parties. Pablo Morillo, Conde de Cartagena, appointed Ramón Correa, Juan Rodríguez Toro and Francisco de Linares, while Bolívar delegated Brigadier Antonio José de Sucre, Colonel Pedro Briceño Méndez and Lieutenant-Colonel José Gabriel Pérez. The treaty was ratified by the commanders of both armies on 26 November.

As the initial consequence and “ to give the world evidence of the liberal and philanthropic principles that imbue both Governments, and to banish the horrors and the fury which have characterized the deadly war in which they are engaged ”, the two Governments committed themselves “ immediately to conclude a treaty regulating war, in accordance with the law of nations and the most liberal, wise and humane practices of the most civilized countries ”. On 26 November, the representatives of the two Governments also signed the Treaty on the Regulation of War (*Tratado sobre la regularización de la guerra*) at Trujillo, to “ show the world their horror at the war of extermination which until now has devastated and steeped these territories in blood ”. They expressly stated that they were using “ the first lull ” brought about by the Armistice, to establish the agreement whereby “ war between Spain and Colombia shall be waged in accordance with the practice of civilized peoples ”, rules were laid down regarding the mandatory treatment and exchange of prisoners, the care of the wounded and the sick, and also the dead on the battlefield. Conditions of mutual understanding were thus established. As the war had arisen owing to “ differing opinions, those who had fought so bitterly for either cause were linked by close bonds and relations ”. Deserters should therefore be treated with particular leniency. Civilians, too, should be shown special consideration, “ whatever their opinions, activities, services and conduct towards the belligerent Parties may be, or may have been ”.

The Treaty on the Regulation of War, which according to the Liberator was a “ veritable monument of piety ”, was signed at Trujillo, where, in 1813, “ war to the death ” had been decreed. It was a genuine step towards peace and understanding between the two combatant Parties. Indeed, it spelt the end of “ war to

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the death ", even though fighting went on until, on 9 December 1824, the battle of Ayacucho crowned the efforts directed at American emancipation.

The signing of these Treaties gave rise to the famous embrace when Simón Bolívar and Pablo Morillo met at Santa Ana, on 27 November 1820. According to Vicente Lecuna, the two adversaries expressed "feelings of noble generosity on that memorable day. Morillo suggested that a monument be raised on the site of their first meeting, and as Bolívar agreed to the idea, the foundation stone was laid ".

