

COMMEMORATIONS

August 22nd 1989 marked the 125th anniversary of the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. It is indeed remarkable that this text, with its ten brief articles, should have represented such a decisive step forward in the history of humanity. It was the first attempt to codify the law of war and what would later become international humanitarian law.

*As Jean Pictet says in an article entitled "The first Geneva Convention" and published on the occasion of the centenary of the Convention's adoption*¹:

"For the first time in history, countries agreed to limit their own powers on the international level in favour of the individual and in the name of an altruistic obligation, recognizing an inviolable space into which neither fire nor sword could penetrate. For the first time, war gave way to law".

This article describes the origins of the initial Geneva Convention, emphasizing both the spirit in which it was conceived and all that rendered it "one of the noblest achievements of the human spirit", to quote the well-known Swiss legal expert Johann Caspar Bluntschli.

The Review is now reprinting this article (see p. 277), which its author, today Honorary Vice-President of the ICRC, has kindly updated, as a tribute to Jean Pictet and in recognition of his essential contribution to the drafting of the 1949 Geneva Conventions and their 1977 Additional Protocols. Indeed, it is largely to Jean Pictet that we owe the development of humanitarian law and the universal authority it has acquired since the Second World War.

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¹ See the August 1964 issue of the *International Review of the Red Cross*.

The commemoration of 22 August 1864 moreover brings to mind all the efforts made by the ICRC since its founding and the manifold obstacles it had to overcome to succeed in extending humanitarian law to protect the armed forces at sea, prisoners of war and civilians, and to ensure an increasingly strict regulation of the conduct of hostilities and the limitation of the use of certain weapons.²

Whereas the actual proceedings of the 1864 Conference are familiar to us all—in this connection, the account of its various sessions, published in the August 1964 issue of the Review devoted to the centenary of the original Geneva Convention, makes extremely worthwhile reading—the political and social contexts in which the Conference was held are by no means common knowledge. In his analysis of the Geneva press of that year (see p. 282), André Durand revives the extremely animated debate that arose in reaction to the proposals made by the International Committee. The profusion of ideas that emerged in the latter half of the nineteenth century—concern for social issues and pacifist impulses mingling in a climate of as yet half-hearted internationalism—was such that public opinion in Europe was not yet fully convinced by the principles of humanity and impartiality advocated by the ICRC; two conflicting tendencies held sway, one in favour of supporting specific communities or even countries to the detriment of others, and the other endorsing the ICRC's position that assistance should be given without discrimination. There were even voices that opposed granting any humanitarian assistance at all to war victims in case this should be seen as an incitement to make war and others that considered it more urgent and appropriate to lay down rules protecting the most wretched and destitute members of society.

The reactions of the French-speaking Swiss press, whose influence extended all over Europe, bear witness, above and beyond political interests and social priorities, to the universal scope and irrevocable nature of the treaty adopted in August 1864.

A commemoration provides an excellent opportunity to look back on the past in order to gain a better understanding of the present and build for the future. This special issue of the Review is therefore devoted to those anonymous or unrecognized men and women whose faith, strength of conviction and tenacity helped to mitigate violence and hatred on the battlefields of the world, establish humanitarian rules for combat-

² On 22 August 1989, the Swiss Confederation, which is the depository of the Geneva Conventions, will celebrate in Bern the 125th anniversary of the adoption of the original Geneva Convention. The Review will publish an account of the celebration in its September-October 1989 issue.

ants and non-combatants alike and ensure that those rules were observed up to their formal adoption in August 1864.

Among those remarkable people were medical officers serving with armies in the field. Army doctors have always risen up against the wounded being abandoned on the battlefield and the lack of preparedness of army medical services, especially in the nineteenth century when battles took an increasingly cruel toll of human lives. Faced with either stubborn opposition to reform or sheer opportunism, army medical officers nevertheless gradually succeeded in imposing their views and methods and in achieving a measure of humanity in armed conflicts.

It was the Review's wish to learn more about the work of these physicians. Dr. Jean Guillermand's article (see p. 306) traces the humanitarian efforts made by army doctors back to Antiquity. He describes the concern shared by people like John Pringle, Pierre François Percy, Lucien Baudens and Ferdinando Palasciano, all very early advocates of the granting of neutral status to the wounded and the inviolability of medical staff and establishments.

The Review hereby inaugurates a series of articles devoted to the origins of humanitarian law. We are all aware that humanitarian principles are common to human communities the world over and that they have roots bedded in every soil. Compare different customs, religions and philosophies and you discover that violence can be checked and suffering alleviated. Once the particularities of those customs have been eliminated, says Jean Pictet, "one is left with a pure substance which is the heritage of all mankind".

The texts of ancient India, analysed by Professor L. R. Penna, are extremely significant in this regard (see p. 333). Some of the provisions of the Mahâbhârata and the Manu Smriti (or Laws of Manu) relative to methods and means of warfare and the protection of conflict victims are surprisingly similar to the Hague regulations of 1907 and to certain provisions of the Geneva Conventions and their Additional Protocols.³

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Another event of capital importance that occurred in August 1989 was the commemoration of the bicentenary of the Declaration of the

³ The Review will subsequently publish studies on the Islamic conception of humanitarian law, the specific contributions of Western Europe and the Spanish-American School to the development of humanitarian law, etc.

Rights of Man and the Citizen (26 August 1789). *Although there is no immediate connection between the Declaration and international humanitarian law, their respective rules have one common denominator: the protection of human dignity.*

As ICRC Vice-President Maurice Aubert puts it in his comparative study (see p. 349), searching for similarities between the Declaration of the Rights of Man and the Citizen and the Geneva Conventions is tantamount to “analysing the rules of law agreed upon by the collective conscience of mankind”. The principle of non-discrimination, protection against arbitrary behaviour, respect for religious beliefs, the protection of civilian property and so on may therefore be considered as so many points of convergence.

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In commemorating these two major events — the adoption of the original Geneva Convention and the Declaration of the Rights of Man and the Citizen — we should emphasize not only the amount of ground already covered in the long march towards universal recognition of humanitarian values, but also all that remains to be done to achieve a minimum of protection for human beings in peril, including those who are the victims of disturbances and tension within their own countries. And in this particular instance, commemorating these events means calling once again for mobilization of humanitarian resources and for the development and enforcement of elementary humanitarian rules, so as to avoid the recurrence of tragedies such as those witnessed during the Second World War.

This is also a time to remember how deeply the International Committee was divided, between 1939 and 1945, when countless civilians fell victim to Nazi persecution. The two books that have just come out on this dark chapter of twentieth century history and that are extensively reviewed below (see p. 375) are an invitation to us all to reflect on the lessons that must be drawn, today as in the past, from the pitting of law against violence, reason against fanaticism.

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