

# The First Geneva Convention

by Jean Pictet

In ancient times some of the great commanders were accompanied on their campaigns by their personal doctors. The Romans had at least one doctor for each cohort (about 500 to 600 men), and a legion, which consisted of ten cohorts, had a *medicus legionis*, probably a sort of chief medical officer. At the time of the Crusades, the Sultan Saladin gave an example of humanity by authorizing the doctors of the adverse party to care for the Christian prisoners and then to return through the lines. Arab doctors treated Saint Louis. But it was not until the sixteenth century that an organized medical service was started in European armies. It was still, however, sadly inadequate.

Things improved notably in the eighteenth century as a result of civilizing influences. After the battle of Fontenoy, in 1745, all the wounded were cared for by an entirely effective medical service. Had Henry Dunant been alive then and arrived on the battlefield he would have found no reason to be critical and even less to propose creating the Red Cross.

During the French Revolution and under Napoleon, however, the introduction of conscription led to mass warfare, resulting in a horrifying regression in humanitarian standards. In the second half of the nineteenth century, during the Crimean and Italian wars, 60% of the wounded were to die for lack of adequate care.

The time was therefore ripe for the appeal launched in 1862 by Henry Dunant, the involuntary witness of the tragic aftermath of one of the bloodiest battles in history. And the nineteenth century was not a foolish time. It was a time of much generosity, of great fellowship, the precursor of modern humanitarianism, and the abolition of slavery and the creation of the Red Cross were its two crowning achievements.

We know that a committee of five private individuals was formed on 17 February 1863 to study Dunant's proposals. This was in fact none other than the future International Committee of the Red Cross. These pioneers, most of them without much power or authority, but possessed of an irresistible faith in mankind, were to be the originators of both the Red Cross and the Geneva Conventions.

At the time, the main task was not, as might generally be believed, to establish the principle that the wounded should not be finished off, or that friend and foe should receive the same care. These had already become customary rules, and they were more or less respected at Solferino. It was sufficient for the Convention to confirm the custom by making of it a formal undertaking, valid at all times.

No, the major change which had to be made in international law was to obtain special status, or "neutrality", as it was then called, for all medical personnel. In a complete reversal of the practice at the time, medical personnel would no longer be taken prisoner. They were to be allowed to continue their work and then be handed back to their own armed forces. Thus, no longer fearing the loss of his doctors, the military commander would be able to leave them, in the event of a retreat, with the wounded, and the wounded would no longer, as had so often been the case, be left behind to die.

This idea came to Dunant and his Dutch friend Basting as a blinding revelation in Berlin, where they were taking part in the Statistical Congress.

The notion of neutrality having been favourably received in Berlin, Dunant decided to place it on the agenda of the Conference convened by the Committee of Five in Geneva for October 1863. This he did without consulting his colleagues, whom he knew to be more prudent. This Conference, we know, was to found the Red Cross, by which voluntary aid societies were to be organized in each country, prepared to assist army medical services. Basting won support for "neutrality", in spite of resistance on the part of some of the delegates. The Conference was not, however, empowered to deal with legal questions.

This was to be the concern of the Diplomatic Conference which was convened the following year and which concluded the initial Geneva Convention, praised by the well-known legal expert Bluntschli as "one of the noblest achievements of the human spirit". The Convention firmly established the principle of "neutrality", which was thenceforth to cover, apart from the wounded themselves, the buildings giving them shelter, personnel caring for them and all equipment allocated to them.

One grows accustomed so quickly to the benefits of civilization's great achievements that it is difficult to imagine the paramount importance and influence that the Geneva Convention, with its ten brief articles, had on the law of nations.

Without the Convention, war would in fact have remained what it always had been, the merciless unleashing of barbarism. Certainly war still was that. Now, however, there were limits to the barbarism, for one day in August 1864 States sacrificed a small portion of their sovereignty to the requirements of humanity. Such was the price for a breach in the age-long hatred of man for his fellow man.

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.

The Geneva Convention, which was revolutionary for its time, is therefore the cornerstone of all humanitarian law, which aims to protect the victims of hostilities. Its principle, at first limited to wounded soldiers, has gradually been extended to the other categories of persons deserving of special attention.

But that's not all. The impetus given to international law by the 1864 Geneva Convention went much further. It led to the conclusion of The Hague Conventions of 1899 and 1907 governing the conduct of hostilities and limiting the use of certain weapons.

It can even be said that recent efforts to settle conflicts peacefully and to make war unlawful are also indirectly the result of that modest Geneva Convention, the first seed of peace sown in the midst of the fighting.

At the Conferences of 1863 and 1864 another, no less delicate, problem had to be resolved. What banner could these warriors without weapons bear, a banner which would also be the visible symbol of their protection in battle? The answer was the flag which was destined for such noble purpose and which was to be unfurled in the fury of battle all over the world: the red cross on a white ground.

Dunant emphasized the need for an emblem which would be the same everywhere. His colleague, Dr. Appia, proposed the white armlet to the 1863 Conference, but it was pointed out to him that that was the sign already used for parleys and surrender. Someone, apparently the German delegate Loeffler, then suggested that a red cross should be added to it and this immediately won every vote.

“As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours”... That was the text of the Geneva Convention, but in its revised version of 1906. Contrary to popular opinion, the founders of the Red Cross, in creating the new emblem, did not consciously reverse the Swiss colours.

In fact the minutes of the Conferences are silent on this point and no text from that period alludes to such a connection. The express intention of reversing the Swiss colours to form the red cross is indeed only mentioned after 1870.

It should not be forgotten that the red cross on a white ground is a symbol of neutrality and that it is therefore devoid of any national or religious significance. The assemblies which had created it wished it to be thus. The sign of immunity could not assume a political or a denominational sense, since it was to extend over the whole earth and, consequently, to cover people of all faiths or of no faith. The red cross means only one thing on its own, but that is sufficient for it: a man who suffers is no longer an enemy and he will be given aid without distinction, without having to give his name, simply and solely because he is a man and is suffering.

Two years after its conclusion, during the Austro-Prussian war of 1866, the Geneva Convention received its baptism of fire. It gave striking proof of its value, especially at Sadowa, a battle which was almost as murderous as Solferino with its 40,000 dead and wounded. Prussia had signed the Convention, Austria had not. Prussia, however, decided to apply it unilaterally. It had perfectly organized hospitals, the Prussian Red Cross was everywhere at work; everything went the way it was supposed to. The very opposite happened with the Austrian army, which in retreat left its wounded behind without care. The bodies of eight hundred wounded Austrians, left to die, were found in a clearing near Sadowa.

The Geneva Convention was first applied by both parties in a war of exceptional ferocity, the Serbo-Bulgarian war of 1885. First the Serbian army entered Bulgaria, then the opposite happened. The retreating Serbians left behind a considerable number of wounded, but medical detachments stayed with them. The victims were collected and cared for without distinction, medical personnel then passed through the lines and news was exchanged through the ICRC. As a result, the mortality rate of Serbian wounded fell to 2%. This sudden drop could certainly not be ascribed to the Red Cross and the Geneva Convention alone, for antiseptic techniques had also just been developed.

This time the States understood that respect for the Geneva Convention was to their most basic reciprocal advantage. No one would ever again contest this.

To conclude, allow me to quote the great Pasteur: *“Today there are two different laws fighting each other. One law of blood and death which, whilst each day inventing new methods of warfare, forces people to be constantly prepared for the field of battle, and the other, the law of peace, of work, of salvation, which only thinks of delivering man from the scourges which beset him.*

*The one seeks nothing but violent conquest, the other only to ease the suffering of mankind. The former would sacrifice hundreds of thousands of lives to the ambition of one man and the latter places one human life far above any victory.”*

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