

## THE 25th ANNIVERSARY OF THE 1949 GENEVA CONVENTIONS

by Jean Pictet

August 12, 1949 was an important date in world history. It was on that day that the plenipotentiaries of some sixty States signed the fundamental charters of humanity which are known as the four Geneva Conventions, and which protect the victims of armed conflicts: the first, the military wounded and sick; the second, the victims of war at sea; the third, the prisoners of war; and the fourth—which was entirely new—civilians. After the suffering of the population in occupied countries during the Second World War, such a treaty appeared to be vitally necessary and urgent. As Max Huber said, the development towards total war has made danger and hardship equal for armies and population.

The 1949 Conventions now in force are the modern version of what is called international humanitarian law, which has known successive stages. It started with the first Geneva Convention of 1864, after Henry Dunant's successful appeal for efforts to improve the plight of the war wounded.

The 1949 Geneva Conventions, a monumental work of more than four hundred articles, are primordial tenets of humanity and progress. They are the expression of the very ideal of the Red Cross and, as a spiritual protest against unbridled violence, they are a pressing appeal to the world for peace. If the world should again be unfortunate enough to see nations pitted against nations, they will undoubtedly be the last rampart of civilization.

The great breakthrough in 1949 was on several fronts: this law was made applicable to all armed conflicts, and not only to formally declared war; its essential principles were extended to civil wars which previously were outside the purview of the law; supervision of application was reinforced; prisoner-of-war status was extended

to members of resistance movements provided they fulfilled certain conditions; and all civilians deprived of their freedom for any reason whatsoever were entitled to treatment equal at least to that of prisoners of war and to visits from delegates of the Protecting Power or of the ICRC.

The law of Geneva may be summarized in a single principle, namely: persons placed *hors de combat* and those taking no direct part in hostilities shall be respected, protected and humanely treated.

After four years of preparation by the ICRC with the help of government experts, the 1949 Geneva Conventions were concluded by a Diplomatic Conference convened, in keeping with tradition, by the Government of Switzerland, the depositary State. Throughout the conference, which lasted four and a half months, the delegates of the Powers worked intensely in an obviously sincere desire for conciliation and with a fine humanitarian spirit. A horror of war's evils and an ardent wish to mitigate them were constantly discernible throughout the proceedings. The resultant Conventions are worthy of their great tradition. They are also realistic, and applicable by every country with no sacrifice of sovereignty or prerogatives.

For them to be fully effective, they must be known to those who must apply them. The ICRC has therefore supported the authorities and National Societies of all countries in their efforts to disseminate knowledge of the Geneva Conventions.

The Geneva Conventions were elaborated with extreme care, and have become universal. Over the last twenty-five years, every State has become a party to them by ratification, accession or declaration of continuity. After five years, forty-six countries were bound by the Conventions; after ten years, seventy-seven; and today there are 137 nations parties to them, not counting those bound by the previous accession of States to which they have succeeded. That too is a major success, and is even unprecedented in international law.

Since 1949, the Conventions have rendered invaluable service in the all too numerous conflicts which have raged over the last quarter-century. But they do not cover all human suffering, and experience has revealed their loopholes and deficiencies. They protect civilian populations against, for instance, the arbitrary

actions of the enemy but not against the effects of hostilities and weapons, the province of the law of The Hague, which dates back to 1907. In addition, Article 3, which is common to the four Conventions and applicable in civil war, is quite inadequate; the arrangements for supervision leave room for improvement; and the immunity of medical aircraft from attack is sorely in need of development.

Consequently, as is well known, the ICRC launched out into a new phase of humanitarian law development, on the strength of a mandate received from the International Conference of the Red Cross. The Swiss Government, for its part, has convened a diplomatic conference, the first session of which met this year, the second being scheduled for next year. This highly important conference should produce legislative provisions essential for the survival of the human race.

Nevertheless, we must make it clear that these efforts in no way discredit the 1949 Conventions which, when properly applied, effectively protect conflict victims. The aim is not, therefore, to recast the Conventions, or even revise them in detail, but to supplement them and make some admittedly important parts of them more precise by means of two Protocols.

The Geneva Conventions will, then, by this operation, be enlarged, modernized and better adapted to achieve their purpose, namely, to prevent avoidable suffering, to promote the rule of law and to check violence, and thereby make life more worth living.

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