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**SUPPLEMENT**

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## SUNDRY ACTIVITIES

### **The International Committee of the Red Cross in Costa Rica**

For a second time within a few months the International Committee of the Red Cross was able to lend its services to the National Society of a Central American country where a disturbance had broken out and, in this circumstance, to assume the duties which have been specially assigned to its care by the Geneva Conventions of 1949, in the event of "armed conflict not of an international character", in its capacity of an impartial humanitarian body. It was possible for the International Committee to undertake its recent activities in Costa Rica, and to bring them to a successful conclusion, notwithstanding the fact that the Government of Costa Rica has not yet adhered to the Geneva Conventions of 1949. The fact is worthy of note, as being a most satisfactory indication of the importance attached by that country to the interest of the Red Cross in the matter, and the authorities' understanding attitude towards its action.

On being informed of the circumstances which had arisen in Costa Rica, the International Committee approached the Costa Rican Red Cross Society, to offer its services and, in particular, those of a delegate. The offer was accepted and the task of representing the ICRC on the spot was entrusted to M. Pierre Jequier, whose mission in Guatemala had led to such satisfactory results.

M. Jequier left Geneva by air on January 27 and arrived two days later in San José, where he was cordially received by M. Sasso Robles, Director of the Costa Rican Red Cross Society. The delegate at once perceived the great efforts which this National Society had made to meet a difficult situation with the very little means at its disposal. The area in which the fighting had taken place—near the Nicaraguan frontier—is at a distance of about 300 kilometers from the capital and, except in a few parts, the roads leading to the frontier are almost impracticable. The evacuation of the wounded was therefore arduous, but the problem was solved by making use of a commercial twin-engine plane, fitted up as an air ambulance and duly marked with the Red Cross emblem. A small military aircraft, which could land and take off on the highway, also rendered great service. By means of such temporary devices, and thanks to the outstanding efforts of the medical orderlies (members of regional branches of the National Society), it was possible to collect and to transport all the wounded to San José, and to place them in hospital immediately. The Costa Rican Red Cross had, in the meantime, sent out two appeals, the first for the setting up of a blood bank and the second for funds to meet its extraordinary expenses; the population responded generously to both requests.

Following a request of the Costa Rican Red Cross, transmitted to Geneva through M. Jequier, the ICRC asked the Nicaraguan Red Cross to co-operate with the Costa Rican Red Cross to a still greater degree, especially by sending news to San José of Costa Rican nationals who, owing to the events, might be in Nicaraguan territory. It should be emphasised that the Red Cross of the latter country had already shown its desire to be of assistance before the request was made.

The services rendered by the International Committee's delegate to the Costa Rican Red Cross were not the sole object of his mission; it also included the visiting of revolutionaries who had been captured in armed conflict against the regular forces, and who were all under detention in San José.

Thanks to the good offices of the Costa Rican Red Cross—and its President, M. Chacon Pacheco in particular—

M. Jequier was immediately granted the necessary authority and facilities for visiting places of detention by the Minister for Foreign Affairs, H.E. M. Mario Esquivel. On February 2, he was thus able to make his first visit to the 69 detainees held in the Central Prison and two military barracks. During his visits he was, at all times, allowed to converse freely with the prisoners, of whom some were political detainees. The captives made no complaints in regard to their treatment or their living conditions. M. Jequier nevertheless brought to the authorities' notice a few improvements which he thought would be advisable.

A tribute should be paid, in this connection, to the understanding attitude of the Costa Rican Government which, without being party to the 1949 Conventions, nevertheless gave a delegate of the ICRC access to its prisons, and allowed him to converse freely with the inmates, even those detained for political reasons. This generous attitude is a proof of the Government's keen interest in the problems which motivated those legal texts—which its competent services are now studying—and its obvious desire that the spirit of the texts should prevail.

The tragic events of January had, however, deprived other persons of their liberty. Some Costaricans who were in the combat area, of whom the majority took part in hostilities in the ranks of the revolutionaries, were driven back into Nicaraguan territory, captured and interned. With the full agreement of the authorities of both countries concerned, on February 9 M. Jequier proceeded to Managua, where he was met at the airport by two members of the Nicaraguan Red Cross Society. The following day, after an interview with the President of the Society, M. Rafael Cabrera, he received authority from the Minister for External Affairs to visit 90 military internees lodged in a barracks. He ascertained that their clothing was in a poor state and that toilet articles were scarce. He discussed the matter with the National Red Cross Society, which was also anxious to improve the prisoners' conditions, and, on behalf of the ICRC, presented it with half the sum required to meet the internees' most pressing needs. M. Jequier also took steps to

facilitate and accelerate the exchange of news between internees and their families by means of messages.

The delegate of the ICRC also visited some twenty wounded and sick internees whose care, hospital expenses and treatment had been entirely assumed by the Nicaraguan Red Cross Society.

During his stay in Managua M. Jequier was informed that the Costa Rican Red Cross would attempt to search for bodies which might still be lying in the no man's land where the fighting had occurred. The area was unsafe on account of the danger of rebel snipers, and it was thought advisable by those in authority that the representative of the ICRC should be present. A moving encounter, which brought together the Geneva delegate and Red Cross teams of both countries, took place in a district called Penas Blancas. The twelve members of the Costa Rican team had, by a remarkable effort and under dangerous and very difficult circumstances, succeeded in exhuming and placing in zinc coffins the bodies which had been abandoned on the field for about two weeks. They greatly appreciated, therefore, the fraternal gesture of the neighbouring Red Cross Society in coming to their aid.

Before returning to Europe, M. Jequier made a further short visit to San José. At the request of the Costa Rican Red Cross, he made another journey to the frontier districts, in order to visit the Society's local branches, whose services had been in constant demand during the events of January. We will revert to the subject in our next article, which will be more especially devoted to the work of the various National Red Cross Societies which the International Committee's delegate had the opportunity of visiting in the course of his mission.

R. M.

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## News Items

*During the month of February, the ICRC services despatched pharmaceutical relief parcels to 633 persons in several European countries.*

\* \* \*

*Following the International Committee's decision to assist the South Korean Red Cross to complete the equipment of its Children's Sanatorium in Inchon, its contribution—which included a radiographic and radiosopic apparatus for a value of Sw. Fr. 28,000.—recently arrived in Yokohama. It will be forwarded to the South Korean Red Cross by the good offices of the American Red Cross.*

\* \* \*

*M. Georges Burnier, ICRC Delegate in Beirut, recently visited Israeli soldiers captured by the Syrian forces last December.*

\* \* \*

*Reference has already been made in these columns to relief supplies of clothing sent to tuberculous refugees in Mieh-Mieh. The gifts, which included 75 pullovers and 610 woollen undergarments, valued at Sw. Fr. 4,000.—, were recently distributed to the beneficiaries by the ICRC Delegate in Lebanon.*

\* \* \*

*M. Pierre Jequier has terminated the mission entrusted to his care by the ICRC, in Costa Rica and later in Nicaragua, in connection with the disturbances which took place in the first-named Republic, in January last. He returned to Geneva on March 24, after visiting the Red Cross Societies of Venezuela and Panama.*

\* \* \*

*M. G. Joubert, the ICRC Delegate in Vienna, took part in the General Meeting of the Vienna and Lower Austrian Branches of the Austrian Red Cross Society, held on March 31, at which M. Figli, Minister for Foreign Affairs, was present.*

\* \* \*

*The South Korean Red Cross has asked to be recognised by the ICRC. It is probable that, subject to the adjustment of a few minor details concerning its constitution which still remain to be defined, a favourable solution will shortly be reached.*

\* \* \*

*MM. F. Siordet and R. Olgiati, Members of the ICRC, and C. Pilloud, Deputy-Director for General Affairs, represented the ICRC at the Conference of Non-Governmental Organisations interested in the Eradication of Prejudice and Discrimination, which was held in Geneva, from March 31 to April 4.*

\* \* \*

*M. H. Angst, ICRC Delegate in Japan, attended the 111rd General Meeting of Japanese Red Cross delegates, held on March 24, in Tokyo. The meeting was honoured by the presence of H.M. the Empress of Japan, by whom the International Committee's representative had the privilege of being received.*

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*A short time ago the Yugoslav Red Cross Society asked for the support of the ICRC, in view of the tracing and repatriating of several hundred Yugoslav children and adolescents who had been removed from their country, through circumstances resulting from the events of war.*

*The ICRC accepted to undertake a search for these children and adolescents. It remained understood, however, that the question of the actual repatriation of those who could be traced would essentially remain within the province of the Yugoslav authorities.*

*The ICRC instituted searches—with very satisfactory results—in thirteen European countries. The majority of the enquiries, however, were made in West Germany, Austria, Italy and Hungary.*

\* \* \*

*The Rumanian Red Cross Society informed the ICRC and the League of the arrangements made by this Society for the journey, as far as Vienna, of 36 Greek nationals who are in possession of immigration permits for Australia. It requested the two organisations to make arrangements for the remainder of those persons' journey to the country of immigration, where they are awaited by their relatives.*

\* \* \*

*Up to the present, fifteen of the tuberculous refugees from Trieste, who have been accommodated in Leysin under the sponsorship of the ICRC, since December 1953, have been cured and have left the health resort. Four of them recently joined their families in the Landes district of France, and eleven have moved to Morzine where they will remain with their relatives until their definite resettlement.*

\* \* \*

*The action for the re-uniting of families, between countries of East and South-East Europe and Germany, Austria and other countries, is still being pursued. During the first quarter of 1955 some 3,000 persons were able to return to their home countries.*

*On the occasion of the celebration, on May 8, of the 127th anniversary of Henry Dunant's birth, a Television Programme has been arranged with the participation of the ICRC and the League, and the co-operation of eleven countries. Thanks to the support of the Swiss Television Service, the programme will be sent out over the Eurovision network, formed by all the European countries where television is now in use. The programme will be directed by M. Ch. G. Duvel and will be shown in the following countries : Belgium, Denmark, France, German Federal Republic, Italy, Luxemburg, Monaco, the Netherlands, Sweden, Switzerland and the United Kingdom. Those countries have all sent film records to Geneva, from which the final programme was assembled.*

\* \* \*

*The Medical Section of the ICRC frequently receives applications from former prisoners of war of various countries who, in order to be granted war pensions, must produce clinical records of their hospital treatment during captivity. Those documents—which in many cases have been lost or destroyed—are to be found on principle in army records or civilian hospital files. The work of the ICRC therefore consists of making enquiries as to the existence of the documents required in the countries where the prisoners were held, and to obtain photostat copies which are sent to the applicants. In some cases, useful information is drawn from the Agency card-indexes and delegates' reports, such as the names of camp representatives or camp doctors who may be able to help in directing the search for information.*

\* \* \*

*In March the Disablement Section of the ICRC came to the assistance of a group of disabled Polish refugees in France, by providing them with dental and medical treatment. It also sent a parcel of pharmaceutical products to the Albanian Red Cross Society, on behalf of the war-disabled.*

*The Section's report for 1954 gives an appreciation of the variety of services which it has rendered in numerous countries, in the form of collective or individual relief.*

*The collective relief supplied reached a value of about Sw. Fr. 70,000.—, in favour of the following countries: Albania, Australia, Austria, France, Germany, Greece, Indo-China, Jugoslavia and Switzerland. Seventy prostheses and orthopaedic appliances were supplied, as well as "reconditioned" items, material for the manufacture of artificial limbs in local workshops, and orthopaedic boots; 200 Braille watches were donated by the ICRC; it also dealt with the purchase of 350 similar watches on behalf of other organisations.*

*In addition, the Disablement Section attended to the despatching of various relief supplies (dental supplies, medicaments, foodstuffs, tonics, games, etc.). Mention may also be made of the gift of a motor car to an institution for the war-disabled, and an important contribution to an association for brain-wound sufferers, to purchase an encephalograph apparatus.*

*The individual relief supplied reached a value of about Sw. Fr. 24,000.—, and enabled 411 war-disabled of 19 nationalities, whose needs were particularly great, to be assisted.*

## THE "RED CROSS OF MONUMENTS"

On May 14, 1954, representatives of 37 Powers, assembled at The Hague, signed the Convention for the Protection of Cultural Property in the event of Armed Conflict. The event almost escaped public notice which was focussed at the time on the Asiatic Conference in Geneva. It nevertheless deserves to be given its full significance.

Treaties which succeed in gaining the approval of governmental delegates from all parts of the world are too rare, indeed, not to be immediately revealed as a manifestation of international agreement which is so highly esteemed by the Red Cross. Moreover, this diplomatic act was the indication of further and gratifying progress in the evolution of the law of war, or rather of law for the limitation of warfare. Even if the Convention—which its authors referred to on several occasions as a "humanitarian convention"—does not, at first sight, appear to be directly concerned with the Red Cross, it is worthy of a brief survey in these pages.

It is not our purpose to study the position and scope of the new Hague Convention in international law, or in connection with the protection of works of art, which was described by a French specialist as a "juridical innovation of the XXth Century". Those aspects will certainly be dealt with elsewhere by many eminent legal experts and art critics.

We propose to consider the Convention mainly from the

Red Cross angle, that is to say, we will try to reveal its significance for the great humanitarian movement founded by Dunant and, in particular, for the International Committee of the Red Cross.

We will begin with a brief description of the principal features of the new Convention, which is, incidentally, completed by Regulations for its execution, embodied in the text, as well as by a Protocol for the restitution of cultural property which has been appropriated in the course of occupation.

The Convention is intended to protect cultural property in the event of armed conflict, that is to say, movable or immovable property, irrespective of its origin or ownership, which "is of great importance for all peoples of the world", as well as the buildings intended to house or shelter such property (Art. 1).

The protection itself has a dual aspect. The High Contracting Parties agree to take appropriate measures in time of peace (marking, removal, precautions against fire, etc.) to ensure the safeguarding of cultural property within their territory (Art. 3). They also undertake, in time of war, to *respect* cultural property, in whosever territory it may be situated, that is to say, not to use it for military purposes and to refrain from hostile acts against such property—except in case of imperative military necessity—and to protect it against theft, pillage or misappropriation (Art. 4).

Apart from the *general respect* due to all cultural property, a still greater measure of immunity is provided for that placed "under special protection". It is a question here of refuges for cultural property, or centres containing monuments, similar to the safety zones of the Geneva Conventions, and fulfilling certain conditions: i.e. they must be at a distance from military objectives, open to neutral control and must, in particular, have been entered in the International Register maintained by the Director-General of UNESCO (Art. 8). The increased protection of these refuges, limited in number, essentially lies in the more restrictive nature of the reservation in regard to military necessity; belligerents can only waive the respect due to a refuge for cultural property in "exceptional cases of

unavoidable military necessity", established by a senior officer and notified to the control officials (Art. 11).

The entry of a refuge in the International Register, on the application of a Contracting Party, can only take place provided the other States are not opposed thereto. In the event of opposition, the question will be settled by arbitration or submitted to the vote of the High Contracting Parties consulted (Regulations, Art. 13 to 16).

The Convention also provides for the immunity of personnel engaged in the protection of works of art (Art. 15), and in certain cases for that of the transport used for conveying them (Art. 12 to 14); it also provides for a distinctive emblem for cultural property or its custodians (a royal-blue and white shield, of which the use is only obligatory in the case of refuges (Art. 15 and 17). The Convention shall be applied under the control of the neutral States appointed as Protecting Powers and with the assistance, in each belligerent country, of a Commissioner-General for Cultural Property chosen from an international list of qualified persons (Regulations, Art. 1 to 10).

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#### A TRIBUTE TO THE WORK OF THE RED CROSS

If, as we suggested, we seek to ascertain what the Convention for the Protection of Cultural Property represents for the Red Cross, its significance, in one respect, is speedily apparent; the Convention is a tribute to the work of the Red Cross—and for two reasons.

First of all by the testimony of those who helped to draft the Convention. For it was referred to, on several occasions, as the "Red Cross of Cultural Property". In order to throw some light on this appellation, we cannot do better than quote the words spoken by the Netherlands Minister of Education at the opening session of the Hague Conference, when he addressed the Director-General of UNESCO in the following terms:

In his opening speech, on July 21, 1953, at a meeting of the Committee of Experts for the drafting of a Convention, your eminent predecessor, the Director-General, said:

“ It is our object today, Gentlemen, to lay the foundations of what I may call the Red Cross of cultural property, and have it accepted by all States and by public opinion, that property of cultural value is entitled to the respect which civilised peoples recognise as due to civilians, prisoners of war, medical personnel and hospitals.”

I should like to put this thought in evidence. This Conference has for its object the drafting of a Red Cross charter for cultural property. The aim and the work of the Red Cross, to protect human life and relieve suffering, rightly command the admiration of the whole world. It is evident that the work of the Red Cross occupies a higher grade in the hierarchy of values, since human life is of essentially greater worth than cultural property, but it is certain that the protection of works where human genius reveals such love and piety and such artistic feeling is of a value which can be compared to the noble work of the Red Cross”.

Thus, the achievements of the Red Cross were present in the minds of the authors of the new Hague Convention, both as an example and as an ideal to be attained. Some aspired to obtain the same respect for works of art as the Red Cross has succeeded in making compulsory for war victims ; others, less ambitious, proposed that activities engaged in for the protection of cultural property should benefit by the same consideration as that accorded to the action of those who serve the Red Cross.

Whatever the significance of this distinction may be—we shall have the occasion to revert to the question later—the hopes expressed in support of both views appear to us to be a magnificent testimony of the importance attached to the work of the Red Cross, to its universality and popularity and even to its duration. The value of this testimony is all the greater from the fact that it was given under the auspices of an institution with such lofty aims as UNESCO. Nor will they fail to realise how greatly their responsibility is accrued thereby.

The Convention for the Protection of Cultural Property also represents, on other grounds, a tribute—indirect in this case—to the Red Cross, or more particularly to one of its essential achievements, the Geneva Conventions, especially those of 1949.

Not only did the successful issue of the Diplomatic Conference of 1949, which established the new Geneva Conventions, strengthen the aspirations of those who were seeking to ensure the safeguard of works of art by an international convention, but the text of the Geneva Conventions was in itself a direct source of inspiration, on several points, for the succession of drafts prepared by UNESCO in this connection, which finally led to the Hague Convention of May 14, 1954.

The draft Convention submitted by the International Committee on Monuments in 1951 was deliberately based on the structure and, as far as possible, on some solutions of the Geneva Conventions. Although it was found necessary to recast it later on, in order to adapt it more closely to the special problems raised by the protection of cultural property, it may be said that this draft gave a definite impetus to the work in this connection which came to such a satisfactory conclusion at The Hague.

A scrutiny of the final text of the Convention for the Protection of Cultural Property will soon reveal the influence of the Geneva Conventions. All questions relating to the application and implementation of the Conventions (Art. 18 to 28) have, to a great extent, been adjusted on identical or similar lines. In other fields, in particular the use of the emblem (Art. 16 and 17), the withdrawal of special protection (Art. 8, Par. 4), and the identifying of and conditions applicable to personnel engaged in the protection of works of art (Art. 15), the drafting of the regulations was largely inspired by the solutions found in the Geneva Conventions. Generally speaking, even the wording of those Conventions is often to be found in that of The Hague.

It can be affirmed, without the slightest doubt, by those who were present during the four months of arduous discussion which were necessary to bring the new Geneva Conventions into being, that the work of the Conference could never have been accomplished in three weeks (of extensive effort, let it be said) without making use of the results previously achieved in Geneva. This was fully realised by the delegates assembled at The Hague who made it clear that they intended to make the

least possible change in the Geneva provisions embodied in the drafts submitted for their scrutiny. What greater tribute could be paid to the value of the humanitarian Conventions of 1949 and, thereby, to the preparatory work carried out under the auspices of the Red Cross?

*The author then points out that, in emphasising this tribute, we should not lose sight of the fact that the new Hague Convention is, in itself, an answer to very old problems and the outcome of legislative efforts over a long period. After giving us a brief outline of those efforts, which were interrupted by the Second World War when they had almost reached a successful conclusion, the author shows us that the new Convention is not only the result of mature deliberation but, in comparison with the Geneva Conventions, it also marks, on numerous points, a favourable evolution of humanitarian law.*

#### THE HUMANIZATION OF WARFARE

The Hague Convention for the Protection of Cultural Property is much more than a tribute to the Red Cross. It is its ally, a valuable support in the campaign that the Red Cross has waged since its foundation, and by virtue of its origin, to limit the evil caused by armed conflict.

In describing that effort, reference is often made to the "humanization" of warfare. The term might perhaps have been appropriate in the days of chivalry, but can we speak today of more humane warfare, faced as we are with the horrifying development of methods of warfare and of mechanically controlled weapons? It is a matter of limiting the effects of war as far as possible until the time when it can be entirely abolished.

The term is misleading and may be partially responsible for the scepticism, and even lack of understanding, which the Red Cross sometimes encounters in its efforts to limit warfare, and which make it necessary for the International Committee to draw constant attention to the need for such efforts <sup>1</sup>.

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<sup>1</sup> We refer in particular to the very fine pages written on the subject by M. Pictet (*Revue internationale de la Croix-Rouge*, March, 1951) and M. Lossier (*idem*, January, May and July, 1951).

Among the groups of persons who showed a lack of understanding, if no direct opposition, may be included certain keen supporters of the great international organisations set up after the two last world conflicts. Was it not a deeply human trait that, on emerging from those terrible struggles, many partisans of collective security—in their desire for war to be brought to an end by international planning—should have considered as inopportune any attempt which, aimed at regulating the conducting of hostilities, by that very fact admitted the possibility of further recourse to arms? As we know, this feeling was particularly strong in the years which followed the birth of the League of Nations and it too probably contributed to the delay in establishing the Geneva Convention for the protection of civilians, the lack of which was so cruelly felt.

The same reaction—a very understandable one we repeat—could also be detected within the United Nations in the early stages. In April 1949 the International Law Commission decided not to include the regulation of warfare in the list of legal questions which it had been given the task of reviewing and codifying. Some of its members declared that the United Nations Charter had outlawed war, and that there could therefore no longer be any question of a law governing warfare; others insisted on the fact that the Commission should not even contemplate the possibility of a new world conflict.

It is true that, as opposed to those statements, at exactly the same period Government representatives were assembled in Geneva to establish the humanitarian Conventions of 1949. In further contrast to them we may mention, in particular, the work which resulted in the new Hague Convention which definitely represents a code of rules for warfare, covering a special field, that of the protection of works of art. A remarkable and significant feature is that this work was pursued under the auspices of one of the Specialised Agencies, that is to say within the great circle of the United Nations where, a few years previously, the words referred to above were spoken.

We thus see—recognised and established within the circle of the United Nations—the idea upheld by the Red Cross, namely, that so long as the risk of armed conflict exists, measures

must be taken in advance to limit the harm which may ensue. The remarkable progress thus achieved can but confirm and strengthen the Red Cross in its attitude, and at the same time emphasise how fully justified it is.

Moreover, between that attitude and the search for a lasting peace there is, it should be recalled, no fundamental contradiction but merely a difference in methods, which are both necessary. The Director-General of UNESCO himself, in his speech at the opening session of the Hague Conference, showed that he fully understood the need for the co-existence of both lines of approach by stating :

While you are striving to limit the ravages of violence among men, bear in mind that your governments and your peoples are also striving in other meetings, and in many agencies grouped in the United Nations family and in other international agencies, to make war sterile and unprofitable. They are not certain, however, to succeed in bringing about lasting peace in a short space of time. In undertaking our own task, we are in no way expressing lack of interest in or support for their efforts. While other men aim at building a permanent home for the most precious of man's handiworks, you can strive to afford these treasures temporary shelter.

*The author then points out that collective security would logically imply the use of force—in fact the taking up of arms—against a member of the organisation who refused to submit to the decisions of the majority. For some, it is true, it would merely be a matter of “ police operations ”, and States undertaking such operations would not be bound by the laws of war, even those of a humanitarian nature. The author expresses the opinion, however, that it is essential for the protection of works of art and of persons, that the said laws should be applied in all armed conflicts, whether they are, or are not, described as police operations. The author finds yet another confirmation of this assertion in the text of the Resolution adopted by the Hague Conference, in May 1954, which invited the competent organs of the United Nations to ensure the application of the stipulations of the Convention for the Protection of Cultural Property by the armed forces taking part in a collective action for the implementation of the UN Charter.*

#### CONDEMNATION OF INDISCRIMINATE WARFARE

The Hague Convention, in confirming and reinforcing the Red Cross movement in its efforts for the limitation of warfare,

gives it valuable support, in particular in regard to one aspect of the campaign, which is becoming more and more important. We refer to the prevention of total warfare, that is to say the type of war which, beyond the control of the responsible leaders, spreads devastation without sparing the persons or property to which, in moral and natural law, protection is due.

The development of aerial warfare, which enables hostilities to spread permanently to all parts of a territory within a very short time, has confronted those concerned with the protection of works of art with a new situation, as well as a far greater menace. How does the Hague Convention oppose this danger — what answer does it give to this distressing question ?

In order to appreciate the question it is necessary to take a step back into the past and, in particular, to refer to a draft project produced by a Committee of Experts assembled in 1938, under the auspices of the League of Nations. In support of their suggestions the Experts stated: "As opposed to previous attempts to ensure the protection of monuments and works of art, which aimed at restricting the destructive effects of war, without always taking ineluctable military necessities into account, the Committee recommended a different approach by deliberately basing the protection of monuments, first and foremost, on the absence of any valid military reason for their destruction."

According to this conception, the 1938 draft practically resulted in a claim for the respect of cultural property only when it was placed in special refuges reserved for that of special value.

Would it not seem that the authors of the draft, in wishing to introduce this innovation, had gone too far in the opposite direction, at the very time when premonitory signs of total warfare were becoming apparent? To limit the respect of works of art to those under shelter in refuges implied that all other cultural property would be legally open to damage as a result of military operations, and their consequences such as pillage ; this would have given undue scope to the devastating, grasping and indiscriminate side of warfare.

The new Hague Convention therefore gains considerable merit in our eyes by having discarded that solution and found another more worthy of humanity, and more in keeping with the experience drawn from the last world war. The Convention has, indeed, again taken up the idea of refuges (the notion of "special protection" to which we referred) but not without first of all—and this is the important point—definitely laying down in Article 4 the principle of the respect due to cultural property, wherever it may be found. It is thus clearly recognised that, in regard to such property, there is no longer any question of the whole of the belligerents' territories, with the exclusion of certain areas, being abandoned to destruction; wherever the wealth which cultural property represents is to be found, hostilities should, as far as possible, respect it and cannot therefore be of an indiscriminate nature.

*The author recalls the fact, which cannot be ignored, that the Convention subjects the principle of general protection to the exception of "imperative military necessity". But this should not lead us to consider the exception as an element liable to destroy the value of the principle. Firstly, the exception already existed in former stipulations of international law, in connection with the protection of works of art. Secondly, there could not be claimed, for works of art, the absolute protection conferred upon persons by the Geneva Conventions. The authors of the new Hague Convention have clearly indicated that the exception in question, which is in no way automatic, should be given a restrictive interpretation and that it implies the judgment of each case, on its merits, by the military authorities.*

In actual fact the new Hague Convention, both in its fundamental principles and in the accompanying exception, implies the selection of methods of warfare and weapons which can be aimed with precision against military objectives in a given area; in spirit it definitely condemns blind weapons and those of mass destruction.

This was fully understood by the majority of the delegates assembled at The Hague. Although they were not in favour of a resolution of which the object was the prohibition of those weapons, on the grounds that the question was already under consideration by the United Nations, they nevertheless shared

the sentiment to which the representative of France gave the most forcible expression. The latter, after having observed that the Preamble referred, from the very first paragraph, to the formidable dangers to which modern methods of warfare exposed cultural property and called the nation's attention thereto, also declared, when signing the Convention :

... But we earnestly hope that the international bodies whose object is to prohibit the use of weapons of mass destruction, and to set up methods for such prohibition, may succeed in their undertaking. This would immediately remove the danger which exists, which we apprehend, and which it would be vain to deny, even in an academic speech.

It is a great relief to us to observe the profound desire of all the delegations that the Convention be given the interpretation which is most favourable to the protection of cultural property. This seems to us to be the fundamental requirement. In law the spirit counts for far more than the letter. If States are anxious to apply the Convention with a view to giving the fullest possible protection to cultural property, the fundamental object will be attained.

The Hague Convention of May 14, 1954, will mark an auspicious date in the history of mankind ; it will show man's determination to regain possession of himself, and his refusal to admit that destruction is inevitable.

The essential thing is to refuse to admit the inevitability of the destruction of art treasures, just as the Red Cross cannot admit that the death of thousands of non-participants in hostilities is inevitable. As stated by a military expert of a great Power at the Hague : " I, myself, as a soldier had soon become aware of the unsoundness of needless destruction, when assigned to reconstruction work at the close of the war. "

It was the unanimous wish of the Hague Conference that not only the great public but also, and especially, military circles should be imbued with this conception. For this reason, therefore, after having included, in Article 25, the principle of the dissemination of the Convention, as indicated in the Geneva Conventions, it added (Article 7) the obligation for the Contracting Parties " to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples ".

In future the Red Cross should no longer be alone in its campaign against indiscriminate methods of warfare ; in any case it should be able to count among its most faithful allies all those who worked to establish the Convention for the Protection of Cultural Property, and all those who consider it to be a valuable acquisition. May all the efforts pursued, both under the Red Cross and under the Blue and White Shield, be mutually upheld in order that the aim in view may be more easily attained.

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