COMITÉ INTERNATIONAL DE LA CROIX-ROUGE

COLLECTION

Constitutional texts and documents concerning the legal protection of populations and war victims from the dangers of aerial warfare and blind weapons.

GENEVA
February 1954
INTERNATIONAL COMMITTEE OF THE RED CROSS

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GENEVA
February 1954
MEMORANDUM

The present Collection has been compiled to facilitate the work of the Committee of Experts convened by the International Committee of the Red Cross to examine the question of the legal protection of war victims and civilian populations from the dangers of aerial warfare or blind weapons. It seemed appropriate, for the studies pursued in this connection, to assemble the principal texts of the Conventions (1) concerning these matters, to which access is sometimes difficult.

This Collection, which is not exhaustive, constitutes primarily a work of reference. It therefore reproduces, either wholly in part, both international treaties in force, and Conventions which have never been ratified but which (as the collective work of jurists) represent attempts at codification of international repute. On the other hand, it was not felt possible to include conventions drafted by private individuals, although some are of great interest (2).

In view of the purpose of this work, it was also thought fitting to include texts which are not directly or solely connected with the protection of persons from the effects of war from the air. This applies, for instance, to the Geneva Protocol of 1925 or stipulations concerning the protection of works of art.

The texts of the Conventions are completed by resolutions and by declarations of governments of a general bearing, which should not be left out in any attempt to ascertain the laws applying in these fields.

The third part is devoted to documents emanating from the International Committee of the Red Cross, or from International Red Cross Conferences, which bear eloquent witness to the increasing anxiety to which the dangers of war from the air have long given rise within the Red Cross movement.

(1) The majority have been taken from the very useful work of M. M. Deltenre "Recueil général des Lois et Coutumes de la Guerre", in four languages, Brussels, 1943.

(2) This applied to the "Projet de Convention pour protéger la population civile contre les bombardements aériens", by M. Züblin. This draft is included in the work published by the ICRC in 1930, under the title "La protection des populations civiles contre les bombardements", which gives the opinions of eight well-known jurists.
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I.

RULES RELATING MORE PARTICULARLY TO

THE CONDUCT OF HOSTILITIES

(delimitation of objectives which may be attacked)

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ANNEX TO THE IVth HAGUE CONVENTION,
OCTOBER 18, 1907.

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND
(extract)

SECTION II
Hostilities

CHAPTER I.
MEANS OF INJURING THE ENEMY,
SIEGES, AND BOMBARDMENTS

Art. 22.—The right of belligerents to adopt means of injuring the enemy is not unlimited.

Art. 23.—In addition to the prohibitions provided by special Conventions, it is especially forbidden:

(a) To employ poison or poisoned weapons;
(b) To kill or wound treacherously individuals belonging to the hostile nation or army;
(c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
(d) To declare that no quarter will be given;
(e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
(f) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
(g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
(h) To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.
A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

Art. 24.—Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

Art. 25.—The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

Art. 26.—The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

Art. 27.—In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the same time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

Art. 28.—The pillage of a town or place, even when taken by assault, is prohibited.

List of States which have signed and ratified the Convention or adhered thereto: Germany (1909); Austria-Hungary (1909); Belgium (1910); Bolivia (1909); Brazil (1914); Cuba (1912); Denmark (1912); United States (1909); France (1910); Great Britain (1909); Guatemala (1911); Haiti (1910); Japan (1911); Luxembourg (1912); Mexico (1909); Norway (1910); Panama (1911); Netherlands (1909); Portugal (1911); Rumania (1912); Russia (1909); San Salvador (1909); Siam (1910); Sweden (1909); Switzerland (1910); China (1917); Ethiopia (1935); Finland (1922); Liberia (1914); Nicaragua (1909); Poland (1925).
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IN TIME OF WAR AND AIR WARFARE,

FIXED BY THE COMMISSION OF JURISTS ENTRUSTED WITH STUDYING

AND REPORTING ON THIS REVISION OF THE LAWS OF WAR,

ASSEMBLED AT THE HAGUE ON DECEMBER 11, 1922.
(extract)

CHAPTER IV

Hostilities

Art. 18.- The use of tracer projectiles, whether incendiary or explosive, by or against an aircraft is not forbidden.

This rule applies as well to the States which are parties to the Declaration of St. Petersburg of 1868, as to those which are not.

Art. 19.- The use of false exterior marks is forbidden.

Art. 20.- In the event of an aircraft being disabled, the persons trying to escape by means of parachutes must not be attacked during their descent.

Art. 21.- The use of aircraft for propaganda purposes shall not be considered as an illicit means of warfare.

The members of the crew of such aircraft are not to be deprived of their rights as prisoners of war on the ground that they have committed such an act.

Bombardment

Art. 22.- Any air bombardment for the purpose of terrorizing the civil population or destroying or damaging private property without military character or injuring non-combatants, is forbidden.
Art. 23.—Any air bombardment carried out for the purpose of enforcing requisitions in kind or payments of contributions in ready money, is forbidden.

Art. 24.—(1)—An air bombardment is legitimate only when directed against a military objective, i.e., an objective, whereof the total or partial destruction would constitute an obvious military advantage for the belligerent;

(2) — Such bombardment is legitimate only when directed exclusively against the following objectives: military forces, military works, military establishments or depots, manufacturing plants constituting important and well-known centers for the production of arms, ammunition or characterized military supplies, lines of communication or of transport which are used for military purposes.

(3) — Any bombardment of cities, towns, villages, habitations and buildings which are not situated in the immediate vicinity of the operations of the land forces, is forbidden. Should the objectives specified in paragraph 2 be so situated that they could not be bombed but that an undiscriminating bombardment of the civil population would result therefrom, the aircraft must abstain from bombing;

(4) — In the immediate vicinity of the operations of the land forces, the bombardment of cities, towns, villages, habitations and buildings is legitimate, provided there is a reasonable presumption that the military concentration is important enough to justify the bombardment, taking into account the danger to which the civil population will thus be exposed;

(5) — The belligerent State is bound to pay compensation for damage caused to persons or property, in violation of the provisions of this Article, by any one of his agents or any one of its military forces.

Art. 25.—In bombardments by aircraft, all necessary steps should be taken by the commander to spare, as far as possible, buildings dedicated to public worship, art, science and charitable purposes, historic monuments, hospital ships, hospitals and other places where the sick and wounded are gathered, provided that such buildings, objectives and places are not being used at the same time for military purposes. Such monuments, objects and places must be indicated, during the day, by signs visible from the aircraft. Using such signs to indicate buildings, objects or places other than those herein-before specified shall be considered a perfidious act. The signs of which the above mentioned use is to be made, shall be, in the case of buildings protected under the Geneva Convention, the
red cross on a white ground and, in the case of the other protected buildings, a large rectangular panel divided diagonally into two triangles, the one white and the other black.

A belligerent who desires to ensure by night the protection of hospitals and other above mentioned privileged buildings, must take the necessary steps to make their aforesaid special signs sufficiently visible.

Art. 26.—The following special rules have been adopted to permit the States to ensure a more efficient protection of monuments of great historic value situated on their territory provided they are disposed to abstain from using for military purposes not only such monuments and also the area surrounding them and to accept a special system of control to this end.

(1) — A State, if it deems it suitable, may establish a protected area around such monuments situated on its territory. In time of war, such areas shall be sheltered from bombardments;

(2) — Monuments around which such area is to be established, shall already be, in time of peace, the object of a notification addressed to the other Powers through the diplomatic channel; the notification shall also state the limits of such areas. This notification cannot be revoked in time of war;

(3) — The protected area may include, in addition to the space occupied by the monument or the group of monuments, a surrounding zone, the width of which may not exceed 500 metres from the periphery of the said space;

(4) — Marks well visible from the aircraft, both by day and by night, shall be employed to enable the belligerent aeronauts to identify the limits of the areas;

(5) — The marks placed on the monuments themselves shall be those mentioned in Article 25. The marks employed to indicate the areas surrounding the monuments shall be fixed by every State which accepts the provisions of this Article and shall be notified to the other Powers together with the list of the monuments and areas;

(6) — Every improper use of the marks referred to in paragraph 5 shall be considered an act of perfidy;
(7) - A State which accepts the provisions of this Article should abstain from making use of the historic monuments and the zone surrounding them for military purposes or for the benefit of its military organization in any manner whatsoever and should also abstain from committing, in the interior of such monument or within such zone, any act for military purposes;

(8) - A commission of control, composed of three neutral representatives accredited to the State which has accepted the provisions of the present Article, or of their delegates, shall be appointed for the purpose of ascertaining that no violation of the provisions of Paragraph 7 has been committed. One of the members of this commission of control shall be the representative, or his delegate, of the State which has been entrusted with the interests of the other belligerent.
RESOLUTION ADOPTED BY THE GENERAL COMMISSION
FOR THE REDUCTION AND LIMITATION OF ARMAMENTS
ON JULY 23rd, 1932
(extract)

II. Conclusions of the first phase of the Conference

The Conference, noting that agreement has now been
reached on a certain number of important points, without pre-
judice to more far reaching agreements hereafter, to record
forthwith the following concrete measures of disarmament, which
should form part of the general Convention to be concluded.

The Conference also decides to establish certain prin-
ciples as the basis for further reductions of armaments, and to
determine the procedure necessary for the active prosecution of
its work.

(1) Air Forces.

The Conference, deeply impressed with the danger over-
hanging civilisation from bombardment from the air, in the event
of future conflict, and determined to take all practicable mea-
sures to provide against this danger, records at this stage of
its work the following conclusions:

(1) Air attack against civilian population shall be abso-
lutely prohibited;

(2) The High contracting Parties shall agree as between
themselves that all bombardment from the air shall be
abolished, subject to agreements with regard to measures
to be adopted for the purpose of rendering effective
the observance of this rule;

(a) There shall be effected a limitation by number
and a restriction by characteristics of military
aircraft;

(b) Civil aircraft shall be submitted to regulation
and full publicity. Further, civil aircraft not
conforming to the specified limitations shall be
subjected to an international regime (except for
certain regions where such regime is not suitable)
such as to prevent effectively the misuse of such
civil aircraft.
(2) **Land Armament.**

(a) **Land Artillery**

(1) All heavy land artillery ... shall be limited in number.

(2) The limitation of calibre of land artillery shall be fixed by the Convention...

(b) **Tanks**

The maximum unit tonnage of tanks shall be limited.

(3) **Chemical, bacteriological and incendiary Warfare.**

Chemical, bacteriological and incendiary Warfare shall be prohibited under the conditions unanimously recommended by the special Committee.

(4) **Supervision.**

There shall be set up a Permanent Disarmament Commission with the constitution, rights and duties generally as outlined in Part VI of the Draft Convention submitted by the Preparatory Commission for the Disarmament Conference, with such extension of its power as may be deemed by the Conference necessary to enable the Convention to be effectively applied.

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DRAFT OF A CONVENTION ADOPTED AT
MONACO IN FEBRUARY, 1934 (1)

IV.- Protection of the civil population

Art. 1.- The civil population shall be left out of any form of hostilities.

Should the form of war used be prohibited between combatants, such use would call for a reinforcement of sanctions as it becomes more serious:

Art. 2.- The civil population includes all persons who are not enlisted in the army.

Art. 3.- In case of invasion or occupation, the civil population should be respected as regards freedom of worship, loyalty of patriotic sentiment, the physical integrity and moral dignity of the individual. Subject to the exercise - against payment of a fair indemnity - of requisitions necessary for the maintenance of the army, the civil population should also be respected in the integrity of its property. It should be loyal towards the local authorities, i.e. comply with the prescriptions required by public order.

The occupant may arrest every person who, as a member of the civil population, fails in his duties.

A special division of the Permanent Court of International Justice has been set up to deal with all disputes arising in this connection, as well as with all other disputes, between the occupant and the occupied.

Proceedings will be taken through the medium of the respective Powers which are protecting the interests of the belligerent enemies.

(1) H.H. Prince Louis II of Monaco took the initiative of convening a commission, composed of members of the Permanent Committee of Military Medicine and of Jurists, which held its meetings at the Palace of Monaco from February 5-11 1934. The result of its deliberations was this draft Convention.
Art. 4.-- The following can be the subject of an act of war:

(1) All military units other than those belonging to the medical service;

(2) Every fighting organ and every organ of direct revictualling of the armies;

(3) Every industrial establishment used for the manufacture of arms, ammunition or characterized military supplies;

(4) All lines of communication or transportation used for military purposes, except the case of sanitary towns and security towns.

The civil population is in no case a military objective.

If there are any military objectives in large cities the means of attacking such military objectives as are situated in immediate contact with the population must be chosen and employed in such a manner as not to extend their effects beyond a radius of 500 metres, reckoned from the exterior limit of such objectives.

Art. 5.-- Defended towns may be attacked with all licit means of war.

Belligerent should do their utmost to hit in such towns none of the buildings dedicated to public worship, charity, and science or having a historic or artistic character.

Such buildings must be indicated by conspicuous signs and, in every way, be rendered notorious by suitable means.

Belligerents must respect the provisions of the Geneva Convention of July 27, 1929, for the amelioration of the condition of the wounded and sick in armies in the field: these provisions are, by the present agreement, extended to the civil population.

Art. 6.-- Undefended towns containing no military objectives, may be transformed into security towns.

Security towns enjoy the status of sanitary towns, on condition that they submit to the same formalities of notification and control as sanitary towns.

Art. 7.-- The foregoing provisions also apply to seaports.

Art. 8.-- The preparation and the execution of defensive measures on the part of the civil population against risks of war are not violations of the present Convention.
Art. 9. - The observation of the Convention is placed under the protection of an international organ (e.g. the Council of the League of Nations or, within a wider scope and at a later stage of international relations, the Committee of non-belligerents with, if necessary, the right to appeal to the Permanent Court of International Justice).

Art. 10. - The foregoing rules are the expression of human conscience.

V. - Sanctions

Art. 1. - In case of violation, by one party, of the rules concerning the protection of the rights of humanity in time of war by one of the belligerents, the other party may demand that such violation should be ascertained by a non-belligerent organization.

Art. 2. - Every belligerent State must facilitate the investigations of this organization on the territory of the countries where it exercises its authority itself.

Art. 3. - This organization is constituted of:

(a) In the battle area, a field Commission of Control composed, at least, of three members, of whom two are representatives of the Powers protecting the interests of the belligerents, whereas the third member is elected, by common agreement, by the other two;

(b) In sanitary towns and security towns, a fixed Commission of Control, composed in the same manner;

(c) In all other cases, a Central Commission residing in the capital of each belligerent State and composed on the same lines.

Under all circumstances, one of the members of the Commission must compulsorily be a medical officer whenever it is a question of violation concerning the sick and wounded.
Art. 4.- The Commission of control thus constituted has the duty to proceed immediately to a thorough inquiry and to draw up, with the utmost speed, a report in consequence.

The Commission of control transmits the report to the registry of the Permanent Court of International Justice.

The registrar of the Court communicates it to all governments without exception.

The case occurring, the appreciation of the juridical consequences of such act appertains, in such occurrence, to the Permanent Court of International Justice.

Art. 5.- When it has been ascertained a first time that the rights of humanity have been violated, especially against sanitary towns and security towns, and a second and, much more, a third violation is committed, the belligerent, victim of such repeated violations, is disengaged from his obligations in the same measure in which the adversary has disengaged himself from his own obligations.

In such case, the non-belligerents may withdraw their medical assistance from the author of such violations.

Art. 6.- The responsibility of the State and of the particulars shall be judged, after appreciation, in the first instance by the internal justice, and in the last instance by the Permanent Court of International Justice.

Art. 7.- In the event of such violation being directed against the right to life of the wounded, the sick and the civil population, it appertains to every State to bring the matter ex officio before the Permanent Court of International Justice.
REDUCTION AND LIMITATION OF ARMAMENTS
AND PROTECTION OF CIVILIAN POPULATIONS
AGAINST BOMBING FROM THE AIR IN CASE OF WAR

(RESOLUTION AND RECOMMENDATION ADOPTED ON THE REPORT OF THE
THIRD COMMITTEE OF THE LEAGUE OF NATIONS (1938) (extract)
(September 30, 1938)

I. ............................................................

II. Protection of Civilian Populations against Bombing from
the Air in Case of War.

The Assembly,

Considering that on numerous occasions public opinion
has expressed through the most authoritative channels its horror
of the bombing of civilian populations;

Considering, further, that this principle ought to be
respected by all States and does not require further reaffirmation,
it urgently needs to be made the subject or regulations specially
adapted to air warfare and taking account of lessons of experience;

Considering that the solution of this problem, which is
of concern to all States, whether Members of the League of Na-
tions or not, calls for technical investigation and thorough
consideration;

Considering that the Bureau of the Conference for the
Reduction and Limitation of Armaments is to meet in the near
future and that it is for the Bureau to consider practical means
of undertaking the necessary work under conditions most likely
to be lead as general an agreement as possible;

I.- Recognises the following principles as a necessary basis
for any subsequent regulations :

(1) The International bombing of civilian populations is
illegal;

(2) Objectives aimed at from the air must be legitimate
military objectives and must be identifiable;
(3) Any attack on legitimate military objectives must be carried out in such a way that civilian populations in the neighbourhood are not bombed through negligence;

II. - Also takes the opportunity to reaffirm that the use of chemical or bacterial methods in the conduct of war is contrary to international law, as recalled more particularly in the resolution of the general Commission of the Conference for the Reduction and Limitation of Armaments of July 23rd, 1932, and the resolution of the Council of May 14th, 1938.
All the High Contracting Parties

Affirming their fidelity to their obligations under the Pact of Paris of the 27th August, 1928,

Declaring that in any war which they may wage they would necessarily be the victims of aggression, or such war would on their part be a war of legitimate assistance to a victim of aggression,

Undertaking to observe the following rules, which they acknowledge to embody principles of humanity demanded by the conscience of civilisation,

Have decided to conclude a Treaty and for that purpose have appointed as their respective plenipotentiaries

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

Article 1

The civilian population of a State shall not form the object of an act of war. The phrase "civilian population" within the meaning of this Convention shall include all those not enlisted in any branch of the combatant services nor for the time being employed or occupied in any belligerent establishment as defined in Article 2.

Attack or Bombardment of Undefended Towns

Article 2

The bombardment by whatever means of towns, ports, villages or buildings which are undefended is prohibited in all circumstances. A town, port, village or isolated building shall be considered undefended provided that not only (a) no combatant
troops, but also (b) no military, naval or air establishment, or barracks, arsenal, munition stores or factories, aerodromes or aeroplane workshops or ships of war, naval dockyards, forts, or fortifications for defensive or offensive purposes, or entrenchments (in this Convention referred to as "belligerent establishments") exist within its boundaries or within a radius of "x" kilometres from such boundaries.

**Bombardment of Defended Towns.**

**Article 3**

The bombardment by whatever means of towns, ports, villages or buildings which are defended is prohibited at any time (whether at night or day) when objects of military character cannot be clearly recognised.

**Article 4**

Aerial bombardment for the purpose of terrorising the civilian population is expressly prohibited.

**Article 5**

(1) Aerial bombardment is prohibited unless directed at combatant forces or belligerent establishments or lines of communication or transportation used for military purposes.

(2) In cases where the objectives above specified are so situated that they cannot be bombarde without the indiscriminate bombardment of the civilian population, the aircraft must abstain from bombardment.

**Chemical, Incendiary or Bacterial Weapons.**

**Article 6**

The use of chemical, incendiary or bacterial weapons as against any State, whether or not a party to the present Convention, and in any war, whatever its character, is prohibited.

The application of this rule shall be regulated by the following three articles.

**Article 7**

(a) The prohibition of the use of chemical weapons shall apply to the use, by any method whatsoever, for the purpose of
injuring an adversary, of any natural or synthetic substance (whether solid, liquid or gaseous) which is harmful to the human or animal organism by reason of its being a toxic, asphyxiating, irritant or vesicant substance.

(b) The said prohibition shall not apply:

I) to explosives that are not in the last-mentioned category;

II) to the noxious substances arising from the combustion or detonation of such explosives, provided that such explosives have not been designed or used with the object of producing such noxious substances;

III) to smoke or fog used to screen objectives or for other military purpose, provided that such smoke or fog is not liable to produce harmful effects under normal conditions of use;

IV) to gas that is merely lachrymatory.

Article 8

The prohibition of the use of incendiary weapons shall apply to projectiles specifically intended to cause fires except when used for defence against aircraft. The prohibition shall not apply:

I) to projectiles specially constructed to give light or to be luminous;

II) to pyrotechnics not normally likely to cause fires;

III) to projectiles of all kinds which, though capable of producing incendiary effects accidentally, are not normally likely to produce such effects;

IV) to incendiary projectiles designed specifically for defence against aircraft when used exclusively for that purpose;

V) to appliances, such as flame-projectors, used to attack individual combatants by fire.

Article 9

The prohibition of the use of bacterial weapons shall apply to the use for the purpose of injuring an adversary of all methods for the dissemination of pathogenic microbes or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into immediate contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any manner whatsoever, as, for example, by polluting the atmosphere, water, foodstuffs or any other objects of human use or consumption.
Sanctions.

**Article 22**

Any party claiming that a breach of any of the provisions of this Convention (other than a breach of the provisions relating to the establishment of safety zones committed by a State seeking to obtain the protection hereby afforded to such safety zones, for which breach the provisions of the last preceding Article shall be the sole remedy) has occurred shall notify the President of the Permanent Court of International Justice with a view to the immediate constitution of a Commission of Investigation.

**Article 23**

The Commission of Investigation shall proceed with all possible speed to make such inquiries as are necessary to determine whether any such breach has occurred.

It shall report to the Permanent Court of International Justice.

**Article 24**

The Permanent Court of International Justice shall invite the party* against which the complaint has been made to furnish explanations.

It may send commissioners to the territory under the control of that party or of the party making such complaint for the purpose of proceeding to an inquiry, to determine whether any such breach has occurred.

**Article 25**

The Permanent Court of International Justice may also carry out any other inquiry with the same object, and may determine any question which may arise requiring determination by a judicial tribunal, such decision to be given with all possible speed.

*) **Note.** Signatory States not already adhering to the Statute of the Permanent Court would have to undertake to do so.
Article 26

The parties involved in the above-mentioned operations, and, in general, all the parties to the present Convention, shall take the necessary measures to facilitate these operations, particularly as regards the rapid transport of persons and correspondence.

Article 27

According to the result of the above-mentioned operations, the Permanent Court of International Justice, acting with all possible speed, shall establish whether any such breach has occurred.

Article 28

In the event of any such breach being established to its satisfaction the Permanent Court of International Justice shall publish its findings, specifying the State or States which has or have committed such breach, and there-upon it shall be lawful for any signatory State not being a party to such breach without thereby committing any breach of its treaty obligations or of International Law to do all or any of the following things:

(a) assist with armed forces the State against which such breach shall have been committed,

(b) supply such last-mentioned State with financial or material assistance, including munitions of war,

(c) refuse to admit the exercise by the State or States committing such breach of belligerent rights,

(d) decline to observe towards the State or States committing such breach the duties prescribed by International Law for a neutral in relation to a belligerent.

Article 29

Any State committing a breach of this Convention is liable to pay compensation for all damage caused by such breach to a State injured thereby or any of its nationals.

Article 30

Each of the High Contracting Parties agrees that it will without delay enact such domestic legislation as may be required to carry into effect the obligations entered into by it hereunder.
Article 31

This Convention is in addition to, and not in substitution for, the humanitarian obligations imposed upon any signatory State by any general treaty such as the Hague Conventions of 1899 and 1907 and the International Convention relating to the Treatment of Prisoners of War, 1929.

Article 32

Non-signatory Powers may adhere to this Convention. To do so they must make known their adhesion to the High Contracting Parties by means of a written notification addressed to all the High Contracting Parties.
(a) Convention for the amelioration of the condition of the wounded and sick in armed forces in the field of August 12, 1949.

CHAPTER II

WOUNDED AND SICK

Article 12

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

Article 13

The present Convention shall apply to the wounded and sick belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces;

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.
(3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power;

(4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany;

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law;

(6) Inhabitants of a non-occupied territory who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

CHAPTER III
MEDICAL UNITS AND ESTABLISHMENTS

Article 19

Protection

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.
Article 20

Protection of hospital ships

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

Article 21

Discontinuance of protection of medical establishments and units

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

Article 22

Conditions not depriving medical units and establishments of protection

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.

(2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.

(3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.

(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

Article 23

Hospital zones and localities

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties to the conflict, may establish in their own territory and, if the
need arises, in occupied areas, hospital zones and local- ities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrus- ted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hos- tilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the pre- sent Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Com- mittee of the Red Cross are invited to lend their good offices in order to facilitate the institution and re- cognition of these hospital zones and localities.

CHAPTER IV
PERSONNEL

Article 24
Protection of permanent personnel

Medical personnel exclusively engaged in the se- arch for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

CHAPTER VI
MEDICAL TRANSPORTS

Article 35
Protection

Transports of wounded and sick or of medical equip- ment shall be respected and protected in the same way as mobile medical units.
Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

**Article 36**

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.
b) ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL ZONES AND LOCALITIES

Article 1

Hospital zones shall be strictly reserved for the persons named in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities, and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

Article 2

No persons residing, in whatever capacity, in a hospital zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

Article 3

The Power establishing a hospital zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

Article 4

Hospital zones shall fulfil the following conditions:

(a) They shall comprise only a small part of the territory governed by the Power which has established them.

(b) They shall be thinly populated in relation to the possibilities of accommodation.

(c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.

(d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.
Article 5

Hospital zones shall be subject to the following obligations:

(a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.

(b) They shall in no case be defended by military means.

Article 6

Hospital zones shall be marked by means of red crosses (red crescents, red lions and suns) on a white background placed on the outer precincts and on the buildings. They may be similarly marked at night by means of appropriate illumination.

Article 7

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly constituted.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognise the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

Article 8

Any Power having recognised one or several hospital zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, the members of the Special Commission shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.
Article 9

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognised the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

Article 10

Any Power setting up one or more hospital zones and localities, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by neutral Powers, the persons who shall be members of the Special Commission mentioned in Articles 8 and 9.

Article 11

In no circumstances may hospital zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

Article 12

In the case of occupation of a territory, the hospital zones therein shall continue to be respected and utilised as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

Article 13

The present agreement shall also apply to localities which the Powers may utilise for the same purpose as hospital zones.
(c) Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of August 12, 1949.

CHAPTER III

HOSPITAL SHIPS

Article 22

Notification and protection of military hospital ships

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

Article 23

Protection of medical establishments ashore

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

Article 24

Hospital ships utilized by National Red Cross Societies

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Societies and Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

These ships must be provided with certificates of the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.
II. Neutral countries

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict; with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

Article 26

The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

Article 27

Under the same conditions as those provided for in Article 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

Article 28

Should fighting occur on board a warship, the sick-bays shall be respected and spared as far possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

(d) Geneva Convention relative to the Treatment of prisoners of War of August 12, 1949.

Article 23

Security of prisoners

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operation.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

(e) Geneva Convention relative to the protection of civilian persons in time of war of August 12, 1949.

Article 14

Hospital and safety zones and localities

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.
Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

**Article 15**

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

(a) wounded and sick combatants or non-combatants;
(b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

**Article 16**

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.
II. Evacuation

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

III. Protection of hospitals

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

IV. Discontinuance of protection of hospitals

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of
small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

Article 20

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognisable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armllet which they shall wear on the left arm while carrying out their duties. This armllet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armllet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

Article 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.
Article 22

VII. Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

Article 28

II. The presence of protected person may not be used to render certain points or areas immune from military operations.
APPEALS AND OFFICIAL DECLARATIONS EMANATING
FROM BELLIGERENT OR NON-BELLIGERENT GOVERNMENTS
ON THE LIMITATION OF BOMBARDMENTS
TO MILITARY OBJECTIVES

(1) - Appeal from the President of the United States of America to the Governments of Germany, France, Great Britain, Italy and Poland. September 1, 1939 (1).

The ruthless bombing from the air of civilians in unfortified centres of population during the course of hostilities which have raged in various quarters of the earth in the past few years, which have resulted in the maiming and death of thousands of defenceless women and children, has profoundly shocked the conscience of humanity.

If resort is had to this sort of inhuman barbarism during the period of tragic conflagration with which the world is now confronted, hundreds of thousands of innocent human beings, who have no responsibility for, and who are not even remotely participating in, the hostilities which have broken out, now will lose their lives.

I am therefore addressing this urgent appeal to every Government, which may be engaged in hostilities, publicly to affirm its determination that its armed forces shall in no events and under no circumstances undertake bombardments from the air of civilian populations or unfortified cities, upon the understanding that the same rules of warfare will be scrupulously observed by all their opponents.

I request an immediate reply.

- Preservation of civilian life Solemn Anglo-French Declaration. Monday, September 4, 1939 (2)

The Governments of the United Kingdom and France solemnly and publicly affirm their intention, should a war be

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(1) The Times, September 2, 1939.
(2) The Times, September 4, 1939.
forced upon them, to conduct hostilities with a firm desire to spare the civilian population and to preserve in every way possible those monuments of human achievement which are treasured in all civilised countries.

In this spirit, they have welcomed with deep satisfaction President Roosevelt's appeal on the subject of bombing from the air. Fully sympathizing with the humanitarian sentiments by which that appeal was inspired they have replied to it in similar terms.

They had indeed some time ago sent explicit instructions to the commanders of their armed forces prohibiting the bombardment whether from the air or from the sea or by artillery on land of any except strictly military objectives in the narrowest sense of the word. Bombardment by artillery on land will exclude objectives which have no strictly defined military importance, in particular large urban areas situated outside the battle zone. They will furthermore make every effort to avoid the destruction of localities or buildings which are of value to civilization. As regards the use of naval forces, including submarines, the two Governments will abide strictly by the rules laid down in the Submarine Protocol of 1936, which have been accepted by nearly all civilized nations. Further, they will only employ their aircraft against merchant shipping at sea in conformity with the recognized rules applicable to the exercise of maritime belligerent rights by warships.

Finally, the two Allied Governments reaffirm their intention to abide by the terms of the Geneva Protocol of 1925 prohibiting the use in war of asphyxiating or poisonous or other gases and of bacteriological methods of warfare.

An inquiry will be addressed to the German Government as to whether they are prepared to give an assurance to the same effect. It will, of course, be understood that in the event of the enemy not observing any of the restrictions which the Governments of the United Kingdom and France have thus imposed on the operations of their armed forces, these Governments reserve the right to take all such action as they may consider appropriate.
- Declaration of the Chancellor of the German Reich; September 2, 1939 (1)

The idea expressed in President Roosevelt's message, to the effect that it is a humanitarian duty to abstain in all circumstances, during military operations, from bombarding non-military objectives, entirely corresponds with my own point of view, which I have always maintained. I therefore unreservedly approve the proposal that Governments now participating in the present hostilities should make a public statement to that effect. For my part I have recently stated in public......, that the German air forces have been ordered to limit their operations to military objectives. An obvious condition for the maintenance of this order is that the opposing air forces should observe the same rule.

- Conclusion of the address of His Holiness the Pope on the occasion of the presentation of the credentials of the new Belgian Ambassador to the Holy See. September 15, 1939 (2).

It is Our pleasure to recall certain declarations whereby, at the outbreak of the conflict, the belligerent Powers publicly affirmed their intention to observe the laws of humanity in the conduct of warfare, and to conform to international treaty stipulations.

We therefore wish to express the special hope that civilian populations will be protected against all direct military operations, that in occupied territories the life, property, honour and religious beliefs of the inhabitants will be respected, that prisoners of war will be treated with humanity, and will be able to receive without hindrance the solace of religion, and that the use of asphyxiating and toxic gases will be excluded.

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(1) Published in the "Revue internationale de la Croix-Rouge, September 1939, p. 731.

(2) Published in the "Revue internationale de la Croix-Rouge, September 1939, p. 735.
A. PROJECT OF A DECLARATION CONCERNING THE

PROTECTION OF MONUMENTS AND WORKS

OF ART IN CASE OF ARMED CONFLICTS (1)

Article 1

The Governments who have signed the present Declarat-

ion consider that every State has the duty to organize the ma-
terial protection of the monuments and works of art, existing

on its territory, against the destructive effects of armed

conflicts. As far as they are concerned, they will insure such

protection by all technical means at their disposal.

Article 2

The signatory Governments will, as far as possible,
take all the necessary precautions in order that historic monu-
ments and buildings dedicated to art may be spared from military
operations. As regard to the buildings situated on their own
territory, they will abstain from utilizing them as well as
their surroundings for such purposes as might expose them to
an attack.

The signatory Governments accord to monuments and
works of art immunity from reprisals.

Article 3

The signatory Governments will give their troops re-

commendations and instructions of such a nature as to insure the
respect of monuments and works of art during military operations.
They will also make the necessary arrangements to repress, with
severity, acts of pillage and depredation of monuments and works
of art in time of war.

Article 4

The signatory Governments agree to abstain from all
acts of hostility against shelters which a Government has

(1) Draft Convention prepared in 1938 by the International Mu-

seums Office in collaboration with a Committee of experts.
As a result of the outbreak of war, it was impossible to
proceed with this project.
established on its territory to put therein in safety, during the hostilities, works of art or of historic interest, threatened by military operations, provided that such shelters:

(a) Are situated: far from the spots which will most probably become the theatres of military operations; - far from any military objective; - at a distance from the main roads; - on the border of large industrial areas;

(b) Are not used, either directly or indirectly, for purposes of national defence.

**Article 5**

The signatory Governments are prepared to consider the possibility of concluding with any other Government special agreements conferring, during the hostilities, a particular protection to certain monuments, groups of monuments or whole cities, the preservation of which is of exceptional importance for the international community.

**Article 6**

The protective sign by which, in accordance with Article 27 of the Annex to the 4th Hague Conference, 1907, buildings dedicated to art and historic monuments must be indicated, shall consist of a white disk with an inscribed light blue triangle. It shall be placed only on a restricted number of buildings of essential importance, which will be used under no circumstances, neither directly nor indirectly, for purposes of national defence, and in the vicinity of which there shall be no establishment susceptible of becoming a military objective. The signs placed upon the historic monuments shall remain there until the end of the hostilities.

The lighting of the signs during the night is left to the appreciation of the military authorities. Nevertheless, arrangements shall be made so that they can be lighted at any time, especially if they are attacked by mistake.

The signatory Governments will take the necessary measures to prevent any misuse of the protective sign. The sign shall be placed only with the previous authorization of the responsible Government, specially given for each particular case.

The fact that only some buildings of special importance are covered by the protective sign shall not dispense the signatory States from taking all possible precautions in order to protect the other monuments of historic or artistic interest during the operations.
Article 7

If a State, during an armed conflict with another State, should feel it its duty to put all or part of its works of art in safety on the territory of another country, the signatory Governments will friendly assist it in carrying out its precautionary measures.

Article 8

In the territories under military occupation, the attention of the troops of occupation shall be directed to the monuments and museums as well as to the other buildings of artistic or historical interest, in order to warn them that the protection of these buildings interests the whole international community.

During the military occupation, the national personnel entrusted with the preservation and keeping of shelters, museums, monuments or other buildings of artistic or historic interest shall be allowed to carry on their duties, except in cases of legitimate military exigencies. Nevertheless, their legal situation in regard to the military authorities of occupation shall be the same as that of the civil population of the occupied territories.

The responsible authorities of the occupying State will take all the measures which might be required for the preservation of damaged monuments. However, such measures need not exceed the character of a provisional consolidation.

Article 9

The signatory Governments agree that any act committed in violation of the present Declaration shall be examined by a Committee of inquiry, composed of two members appointed by the Government of the belligerent State which pretends that a violation has been committed, and of two members appointed by the Government of the other belligerent. These four members shall choose a fifth, who shall assume the chairmanship.

The notifications which are necessary for the constitution of the Committee shall be made through the medium of the Governments entrusted with the interests of the belligerents.

The five members of the Committee of inquiry must be nationals of neutral countries chosen among the high officials of the administrations or institutions of antiquities and fine arts, among the members of the Permanent Court of Arbitration or the jurisconsults of international notoriety.

The Committee may have recourse to all the technical collaborations which it deems necessary for the performance of its task.
The decisions of the Committee of inquiry are taken by a majority of votes.

The Committee shall communicate its decisions to all Governments, even to those who have not signed the present Declaration.

**Article 10**

The signatory Governments will assist each other in carrying out the provisions of the present Declaration.

They will offer their good offices to the belligerent States for any measures intended to protect monuments and works of art as well as for the settlement of any difference in connection with the execution or interpretation of the provisions of the present Declaration.

The signatory Governments will make every effort to induce the other Governments to accede to the present Declaration.

The declarations of accession can be made by a simple communication addressed to one of the signatory Governments, which will notify it to all the others.

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**B. TREATY FOR THE PROTECTION IN TIME OF WAR AND PEACE OF HISTORIC MONUMENTS, MUSEUMS AND INSTITUTIONS OF ARTS AND SCIENCE (ROERICH PACT)**

**SIGNED AT WASHINGTON, ON APRIL 15, 1935**

Between Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Cuba, the Dominican Republic, Ecuador, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama Paraguay, Peru, Salvador, Uruguay and Venezuela.

The High Contracting Parties, animated by the purpose of giving conventional form to the postulates of the Resolution approved on December 16, 1933, by all the States represented at the Seventh International Conference of American States, held at Montevideo, which recommended to "the Governments of America which have not yet done so that they sign the "Roerich Pact", initiated by the Roerich Museum in the United States, and which has as its object, the universal adoption of a flag, already
designed and generally known, in order thereby to preserve in any time of danger all nationally and privately owned immovable monuments which form the cultural treasure of peoples", have resolved to conclude a Treaty with that end in view, and to the effect that the treasures of culture be respected and protected in time of war and in peace, have agreed upon the following Articles:

Article 1

The historic monuments, museums, scientific, artistic, educational, and cultural institutions shall be considered as neutral and as such respected and protected by belligerents.

The same respect and protection shall be due to the personnel of the institutions mentioned above.

The same respect and protection shall be accorded to the historic monuments, museums, scientific, artistic, educational, and cultural institutions in time of peace as well as in war.

Article 2

The neutrality of, and protection and respect due to, the monuments and instructions mentioned in the preceding Article, shall be recognized in the entire expanse of territories subject to the sovereignty of each of the signatory and acceding States, without any discrimination as to the State allegiance of said monuments and institutions. The respective Governments agree to adopt the measures of internal legislation necessary to insure said protection and respect.

Article 3

In order to identify the monuments and institutions mentioned in Article 1, use may be made of a distinctive flag (red circle with a triple red sphere in the circle on a white background) in accordance with the model attached to this Treaty.

Article 4

The signatory Governments and those which accede to this Treaty, shall send to the Pan American Union, at the time of signature or accession, or at any time thereafter, a list of the monuments and institutions for which they desire the protection agreed to in this Treaty.
The Pan American Union, when notifying the Governments of signatures or accessions, shall also send the list of monuments and institutions mentioned in this Article, and shall inform the other Governments of any changes in said list.

Article 5

The monuments and institutions mentioned in Article 1 shall cease to enjoy the privileges recognized in the present Treaty in case they are made use of for military purposes.

Article 6

The States which do not sign the present Treaty on the date it is opened for signature, may sign or adhere to it at any time.

Article 7

The instruments of accession as well as those of ratification and denunciation of the present Treaty shall be deposited with the Pan American Union, which shall communicate notice of the act of deposit to the other signatory or acceding States.

Article 8

The present Treaty may be denounced at any time by any of the signatory or acceding States, and the denunciation shall go into effect three months after notice of it has been given to the other signatory or acceding States.

In witness whereof, the undersigned Plenipotentiaries, after having deposited their full powers, found to be in due and proper form, sign this Treaty on behalf of their respective Governments, and affix thereto their seals, on the dates appearing opposite their signatures.
C. DRAFT INTERNATIONAL CONVENTION FOR THE PROTECTION, IN THE EVENT OF ARMED CONFLICT, OF MONUMENTS, COLLECTION AND OTHER CULTURAL PROPERTY (UNESCO)

Seventh Session, Paris 30 September 1952 (extracts)

CHAPTER I

GENERAL PROVISIONS REGARDING PROTECTION

Article 1

Definition of cultural property

For the purposes of the present Convention, the term "cultural property" shall cover, irrespective of origin or ownership:

(a) movable or immovable property, whether public or private, which, by its intrinsic nature, is of cultural value, such as immovable monuments of art or history, works of art, historic documents, precious books, archaeological, historic and other collections - of documents or objects - of scientific interest, as well as collections of reproductions of such property;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable property listed in (a), and refuges intended to shelter such property in the event of armed conflict;

(c) centres containing a large amount of cultural property as defined under (a) and (b), and being of very great cultural importance, to be known as "centres containing monuments".

Article 2

Definition of protection

The protection of cultural property consists, on the one hand, in taking positive steps to safeguard such property and, on the other, in respecting it by refraining from any action which might cause damage to such property.
Article 3

Obligations of contracting parties in respect of cultural property situated within their territory

(1) Each High Contracting Party undertakes to organize the safeguarding of cultural property situated within its own territory against the foreseeable effects of an armed conflict, by taking all appropriate measures in time of peace.

(2) Each High Contracting Party undertakes to respect cultural property situated within its territory by taking, in time of peace, all possible precautions against the use of such property or of its immediate surroundings for purposes that might expose it to destruction or damage in the event of armed conflict.

Article 4

Obligations in respect of cultural property situated within the territory of another State

(1) Each High Contracting Party undertakes to respect cultural property situated within the territory of another State, except in cases of imperative military necessity.

(2) In particular, each Party undertakes not to use movable cultural property and, except in cases of imperative military necessity, immovable cultural property or its immediate surroundings for purposes which might expose it to destruction or damage. It further undertakes not to remove or requisition movable cultural property and to take the necessary measures to prevent or put a stop to any form of theft and any acts of damage or destruction not justified by imperative military necessity.

(3) The High Contracting Parties recognize the immunity of cultural property from reprisals.

(4) No High Contracting Party may take as a pretext for evading the obligations incumbent upon it under the present Article the fact that another State has been unable to apply the measures of safeguard referred to in paragraph 1 of Article 3.

Article 5

Occupation

(1) Without prejudice to the provisions of Article 4, an Occupying Power shall give all possible support to the competent authorities of the occupied country in safeguarding and preserving its cultural property.
(2) Should it prove necessary to take urgent measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall as far as possible, and in close collaboration with such authorities, take all appropriate preservative measures.

(3) If, during occupation, cultural property has changed hands and been exported the last holder may be required to make restitution of it, such claim to be submitted within ten years of the cessation of hostilities. This period may be extended if the judge has evidence that the claim could not, for overriding reasons, be presented within the prescribed time limit. Nevertheless, if the last holder furnishes proof that the property changed hands by a bona-fide legal transaction, the suit for restitution shall be disallowed.

Article 6

Designation of cultural property

Cultural property shall, as far as possible, be so designated as to facilitate its protection.

Article 7

Military measures

(1) Each High Contracting Party undertakes to introduce into its military regulations or instructions such provisions as may ensure observance of the present Convention.

(2) Each High Contracting Party undertakes to organize in peace-time within its armed forces services whose purpose it will be to secure respect for cultural property and to collaborate with the civilian authorities responsible for safeguarding it.

CHAPTER II : Special Protection

Article 8

Granting of special protection

(1) There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of "monumental centres", and of other immovable
Undertakings by the Parties

Identification and control

Withdrawal of immunity

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cultural property of very great importance which fulfill the conditions specified in the Regulations for the execution of the Convention.

(2) Cultural property is placed under special protection by means of an entry in the "International Register of Cultural Property under Special Protection" in accordance with the procedure laid down in the Regulations for the execution of the Convention.

Article 9

The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining from the time of entry in the International Register, from any use of such property or of its immediate surroundings for military purposes, and from any act of hostility directed against such property. The use for military purposes of a centre containing monuments shall, however, be prohibited only in the event of armed conflict.

Article 10

During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 15, and shall be subject to international control as provided in the Regulations for the execution of the Convention.

Article 11

(1) If one of the parties to the conflict commits a deliberate violation of the Convention in respect of any item of property under special protection the opposing Party shall, so long as this situation persists, be released from the obligation to ensure the immunity of the property concerned. Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.

(2) The guarding of cultural property by police forces shall not be deemed to be use for military purposes.

(3) A centre containing monuments shall, of necessity, be deemed to be use for military purposes whenever its lines of communication and means of transport...
are used for the movement of military personnel or material, even in transit. The same shall apply whenever any person, for whatever reason, is engaged within the centre, in activities directly connected with military operations or with the production of war material.

(4) Subject to paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the Staff of the large formation in charge of the operation concerned. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.

(5) The Party withdrawing immunity shall so inform the Commissioner-General for cultural property provided for in the Regulations for the execution of the Convention.

Annex III: Draft regulations for the execution of the Convention (extracts)

CHAPTER II: SPECIAL PROTECTION

Refuges

Article 11

A refuge intended to shelter movable cultural property in the event of armed conflict may be placed under special protection only

(a) if it is so built that it cannot in all probability be damaged by bombing or if it is situated at an adequate distance from any important military objective regarded as a vulnerable point, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defence, a seaport or railway station of relative importance, a main route or a large industrial centre;

(b) if it is not used for military purposes.
Article 12

(1) If any High Contracting Party during an armed conflict is induced by unforeseen circumstances to set up an improvised refuge and desires to place it under special protection, it shall communicate this fact to the Commissioner-General for Cultural Property.

(2) If the Commissioner-General deems that special protection is justified by the circumstances and by the importance of the cultural property sheltered in this improvised refuge, he shall without delay consult those delegates of the Protecting Powers who are concerned. As soon as these have signified their agreement or if thirty days have passed without any delegate having made an objection, the Commissioner-General shall request the Director-General of the United Nations Educational, Scientific and Cultural Organization to enter the refuge in the International Register.

Article 13

(1) A centre containing monuments, as defined in Article 1 of the Convention, may not be placed under special protection unless it is situated at an adequate distance from any important military objective as defined in Article 11 (a) of the present Regulations.

(2) When a centre containing monuments is situated near to such objective, it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective, and particularly, in the case of a port, railway station or aerodrome, to divert all traffic therefrom.

Article 14

(1) Immovable cultural property other than a refuge or centre containing monuments may be placed under special protection only

(a) if it is of very great importance;
(b) if it lies at an adequate distance from any important military objective as defined in Article 11 (a) of the present Regulations;

(c) if it is not used for military purposes.

(2) When such property is situated near to an important military objective, Article 13, paragraph 2 of the present Regulations shall apply.
RULES AIMED AT THE PROHIBITION

OF CERTAIN WEAPONS AND MEANS

OF COMBAT
DECLARATION OF ST. PETERSBURG OF 1868 TO THE EFFECT
OF PROHIBITING THE USE OF CERTAIN PROJECTILES
IN WARTIME, SIGNED AT ST. PETERSBURG
NOVEMBER – DECEMBER 1868

States which have made the undertaking laid down in the
Declaration:

Austria (1869); Belgium (1869); Denmark (1869); France
(1869); Great Britain (1869); Greece (1869); Hungary (1869);
Italy (1869); Norway (1869); Netherlands (1869); Persia (1869);
Portugal (1869); Prussia (1869); Russia (1869); Sweden (1869);
Switzerland (1869); Turkey (1869).

On the proposition of the Imperial Cabinet of Russia,
an International Military Commission having assembled at St.
Petersburg in order to examine the expediency of forbidding the
use of certain projectiles in time of war between civilized na-
tions, and that Commission having by common agreement fixed the
technical limits at which the necessities of war ought to yield
to the requirements of humanity, the Undersigned are authorized
by the orders of their Governments to declare as follows:

Considering:

That the progress of civilization should have the
effect of alleviating as much as possible the calamities of war;

That the only legitimate object which States should
endeavour to accomplish during war is to weaken the military
forces of the enemy;

That for this purpose it is sufficient to disable the
greatest possible number of men;

That this object would be exceeded by the employment of
arms which uselessly aggravate the sufferings of disabled men,
or render their death inevitable;

That the employment of such arms would, therefore, be
contrary to the laws of humanity;

The contracting Parties engage mutually to renounce,
in case of war among themselves, the employment by their military
or naval troops of any projectile of a weight below 400 grammes,
which is either explosive or charged with fulminating or inflammable substances.

They will invite all the States which have not taken part in the deliberations of the International Military Commission assembled at St. Petersburg by sending Delegates thereto, to accede to the present engagement.

This engagement is compulsory only upon the Contracting or Acceding Parties thereto in case of war between two or more of themselves; it is not applicable to non-Contracting Parties, or Parties who shall not have acceded to it.

It will also cease to be compulsory from the moment when, in a war between Contracting or Acceding Parties, a non-Contracting Party or a non-Acceding Party shall join one of the belligerents.

The Contracting or Acceding Parties reserve to themselves to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may effect in the armament of troops, in order to maintain the principles which they have established, and to conciliate the necessities of war with the laws of humanity.

Done at St. Petersburg, the twenty-ninth of November—eleventh day of December one thousand eight hundred and sixty-eight.
DECLARATION PROHIBITING THE DISCHARGE OF
PROJECTILES AND EXPLOSIVES FROM BALLOONS
(First International Peace Conference, the Hague, 1899)

The undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare that:

"The contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of similar nature".

The present Declaration is only binding for the contracting Powers in case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratification shall be deposited at The Hague.

A procès-verbal shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

The non-signatory Powers may adhere to the present Declaration. For this purpose they must make their adherence known to the contracting Powers by means of a written notification addressed to the Netherland Government, and communicated by it to all the other contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and by it forthwith communicated to all the other contracting Powers.
This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

List of States which have signed and notified the Declaration:

Germany (1900); Austria-Hungary (1900); Belgium (1900); Bulgaria (1900); China (1904); Denmark (1900); Spain (1900); United States (1900); France (1900); Greece (1901); Italy (1900); Japan (1900); Luxembourg (1901); Mexico (1901); Montenegro (1900); Netherlands (1900); Norway (1900); Persia (1900); Portugal (1900); Roumania (1900); Russia (1900); Serbia (1901); Siam (1900); Sweden and Norway (1900); Switzerland (1900).
DECLARATION PROHIBITING THE DISCHARGE
OF PROJECTILES AND EXPLOSIVES FROM BALLOONS

(Second International Peace Conference, The Hague, 1907)

The undersigned, Plenipotentiaries of the Powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their Governments.

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November/11th December, 1868, and being desirous of renewing the Declaration of the Hague of the 29th July, 1899, which has now expired.

Declare:

The contracting Powers agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present Declaration is only binding on the contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A procès-verbal shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the contracting Powers.

Non-signatory Powers may adhere to the present Declaration. To do so, they must make known their adhesion to the contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other contracting Powers.
In the event of one of the High Contracting Parties denouncing the present Declaration, such denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

This denunciation shall only have effect in regard to the notifying Power.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, on the eighteenth day of October of the year thousand nine hundred and seven, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting Powers.

List of States which have signed and ratified the Convention or acceded thereto:

Belgium (1910); Bolivia (1909); Brazil (1914); China (1909); United States (1909); Great Britain (1909); Haïti (1910); Luxembourg (1912); Norway (1910); Panama (1911); Netherlands (1909); Portugal (1911); San Salvador (1909); Siam (1910); Switzerland (1910); Ethiopia (1935); Liberia (1914); Nicaragua (1909).
PROTOCOL OF GENEVA OF 1925

FOR THE PROHIBITION OF THE USE IN WAR OF ASPHYXIATING,
POISONOUS OR OTHER GASES, AND
OF BACTERIOLOGICAL METHODS OF WARFARE,

SIGNED AT GENEVA, JUNE 17, 1925

The undersigned Plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this Declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratification of the present Protocol shall be addressed to the Government of the French Republic, which will
at once notify the deposit of such ratification to each of the
signatory and acceding Powers.

The instruments of ratification of and accession to the
present Protocol will remain deposited in the archives of the
Government of the French Republic.

The present Protocol will come into force for each
signatory Power as from the date of deposit of its ratification,
and, from that moment, each Power will be bound as regards other
Powers which have already deposited their ratifications.

In witness whereof the Plenipotentiaries have signed
the present Protocol.

Done at Geneva in a single copy, the seventeenth day
of June, One Thousand Nine Hundred and Twenty-Five.

List of States which have signed and ratified the Protocol or
accepted thereto.

Germany (1929); Austria (1928); Belgium (1928); Great
Britain (1930); Canada (1930); Australia (1930); New-Zealand
(1930); Union of South Africa (1930); Irish Free State (1930);
India (1930); Bulgaria (1934); Chile (1935); China (1929);
Denmark (1930); Egypt (1928); Spain (1929); Estonia (1931);
Ethiopia (1935); Finland (1929); France (1926); Greece (1931);
Iran (1939); Iraq (1931); Italy (1928); Latvia (1931); Liberia
(1927); Luxembourg (1936); Mexico (1932); Norway (1932);
Netherlands (1930); Poland (1929); Portugal (1930); Roumania
(1929); Siam (1931); Sweden (1930); Switzerland (1932); Cze-
choslovakia (1938); Turkey (1929); Venezuela (1928); Yugoslavia
(1929).
RESOLUTION 502 (VI) OF THE GENERAL ASSEMBLY OF
THE UNITED NATIONS (DISARMAMENT COMMISSION)
11th JANUARY 1952

The General Assembly,

Moved by anxiety and the general lack of confidence plaguing the world and leading to the burden of increasing armaments and the fear of war.

Believing that a necessary means to this end is the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only.

Recognizing that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations whose military resources are such that their failure to accept would endanger the system, and must include safeguards that will ensure the compliance of all such nations.

Establishes under the Security Council a Disarmament Commission. This Commission shall have the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, and shall function under the rules of procedure of the Atomic Energy Commission with such modification as the Commission shall deem necessary.
III.

TEXTS EMANATING FROM THE INTERNATIONAL COMMITTEE
OF THE RED CROSS AND THE INTERNATIONAL
RED CROSS CONFERENCES

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* * *
Letter from the International Committee of
the Red Cross to the Assembly of
the League of Nations,
of 23rd, November 1920

Geneva, November 23rd, 1920

The President and the Delegates to the
League of Nations.

Mr. President and Gentlemen:

As it is the duty of the League of Nations to deal
with various questions relating to war, and particularly with
the means of rendering it more humane, the International Committee,
the central organ of the Red Cross, to whom this task was ori-
ginally assigned, has the honour to submit to you the following
proposals.

The Committee considers it very desirable that war
should resume its former character, that is to say, that it
should be a struggle between armies and not between entire po-
pulations. The civilian population must, as far as possible,
remain outside the struggle and its consequences, the fighting
must be solely between armed troops, and the inhabitants of the
countries involved should suffer as little as possible.

For this purpose it considers that the following mea-

ures should be taken:

(1) Limitation of aerial warfare to exclusively military objec-
tives (such as fights between scouts), and prohibition of
the dropping on towns of projectiles which carry death to
the peaceable population, and to women and children un-
concerned with the war.

(2) Absolute prohibition of the use of asphyxiating gas, a
cruel and barbarous weapon which inflicts terrible suffer-
ing upon its victims. As early as 1918 the International
Committee protested against the employment of these gases
by an appeal to the belligerents, a copy of which is here-
with attached.
(3) The prohibition of the bombardment of open or undefended towns. It will be necessary to define what is meant by open or undefended towns.

(4) Prohibition of the deportation of the civilian population, upon the necessity of which no further insistence need be laid.

It is certain that if the League of Nations supported these various proposals with the weight of its authority, its decision would secure the execution of these humanitarian measures. For this reason we recommend them to your favourable attention.

We have the honour to remain, Gentlemen, etc.

G. ADOR,
President of the Red Cross Committee

Edouard NAVILLE Adolphe D'ESPINE
Vice-President Vice-President

Report adopted by the International Committee of Experts on the legal protection of civilian populations from the dangers of aerial and chemical warfare (Geneva, 1st-5th December, 1931) (Annex to circular No 300 of 22nd December, 1931, from the International Committee of the Red Cross to the Central Committees of the National Red Cross Societies).

I

The Committee of Experts has taken as the basis of its discussions the distinction admitted by international law, and in particular by the Hague Conventions, between the armed forces of the belligerent powers on the one hand, and, on the other, the civilian population.

The experts consider that this distinction is fundamental for if it ceased to be admitted war would by imperceptible gradations change into war of extermination.
The industrial and technical aspect of war has caused the civilian populations to collaborate ever more closely, in the course of hostilities, in the preparation and maintenance of the means of combat without which a modern war can no longer be waged; the workers in certain industries and the non-militarised employees of transport undertakings, to mention only two examples, thus become personnel indispensable to the conduct of the war. However, such personnel retain, in the Committee's view, the character of civilian population.

Do the international Conventions at present in force offer a sufficient guarantee to the civilian population as thus defined? The Committee does not consider that they do, for the following reasons:

(1) - Chemical warfare: Completing several diplomatic instruments, the Geneva Protocol of 14th June, 1925, prohibits in an entirely general manner the use of toxic and bacteriological weapons. This legal guarantee applies à fortiori to the civilian populations, since it applies to the armed forces themselves. Doubtless, the preambles of the diplomatic instruments relating to chemical warfare indicate that the latter is unanimously condemned. But the fact that not all States participate in the Protocol of 1925, and that, moreover, the majority of ratifications and accessions were only given subject to reservations which diminish their scope, give rise to the fear that this agreement may not be found to be applicable in all cases. The effectiveness of the prohibition would only be complete, from the legal point of view, if the Protocol were accepted by all States and without any reservation.

At the same time, undeniable legal progress could also be made by adopting a stipulation whereby the Parties would renounce the use of chemical weapons against every State which did the same.

(2) - Aerial Warfare: The Committee notes that the part to be played by aviation in wartime, and its importance, were not foreseen in the Hague Conventions of 1899 and 1907, which were drawn up before the world war, and their provisions are therefore inadequate.

II

From what has been noted above, it follows that bombing from the air is not governed by rules in a sufficiently precise manner in international Conventions. But, in any case, the Committee notes that public international law condemns the
use of such bombing, as of any weapon, for the primary purpose of terrorising the civilian population.

III

The bombing of a territory should be aimed only at military objectives. The term "military objective" must be understood as meaning the army, personnel and material. It is, however, conceivable that bombing may also be aimed at communications, means of transport, and certain factories. The Committee points out that, in such cases, it is the objects and things which are the military objectives, and not the civilian population occupying them.

The possibility of drawing up a list of material objects which are military objectives was examined. Discussion showed that the compilation of such a list is fraught with difficulties which appeared insuperable to the majority of delegates.

Even if bombing is limited to military objectives, the civilian population is generally exposed to great danger. Assembly points for troops, stations, railways and factories are usually in the neighbourhood of dwellings, and may even be scattered here and there inside the limits of large built-up areas. Fire-dispersal and the ever-increasing range of shells and bombs lead to the fear that civilians in the neighbourhood of military objectives may be hit.

To protect the civilian population if military objectives were attacked it was suggested that there might be areas of refuge: (1) Refuge camps might be set up in the zone of military operations, and covered by a special emblem which would make them known to the enemy by day and by night. But the zone of operations might be shifting, which would mean a lack of security for those who took refuge. Furthermore, it would be very difficult to ensure that such camps would not be abused. (2) It was also proposed that bombing should be prohibited over certain parts of the territory, which would become refuge zones. But the delimitation of such zones would at the same time indirectly indicate the military objectives; in this case, too, abuse of the zones would be a great danger. In addition, this solution presupposes transfers of population, factories and railways which are difficult to carry out. The delimitation of zones enjoying immunity does not therefore seem possible.
IV

The suggestion was made that all bombing from the air be forbidden outside the zone of actual military operations. The delimitation of such a zone is extremely difficult. Moreover it is doubtful whether a belligerent who had the right to bomb in the zone of military operations would renounce that of attacking outside the said zone military objectives of equal importance.

V

As regards the special case of merchant ships, the Committee considers it advisable to extend to air forces the stipulations of Article 1 of the Washington Treaty of 6th February, 1922, relating to the protection of the lives of neutrals and non-combatants at sea in war time, and of Article 22 of the Treaty of London, of 22nd April, 1930, concerning the limitation and reduction of naval armaments. The obligations imposed by these provisions both on surface vessels and submarines should be imposed by analogy on aircraft.

VI

The difficulties raised by any partial regulation of bombing from the air led to the consideration of more general solutions comprising the prohibition of all bombing from the air.

In this connection the possibility was envisaged of prohibiting the construction of bomber aircraft. But such prohibition appears ineffective, as any military or civil aircraft can in point of fact be transformed into a bomber aircraft.

It was also proposed that the use of aircraft for bombing be forbidden. Such a prohibition is legally possible. But the Committee is well aware that such a prohibition of an effective weapon would meet with considerable opposition.

Needless to say, there would be even greater difficulty in securing total abolition of the use of aircraft for military purposes.
VII

The Committee subsequently discussed the question of possible infringements of the rules of international law mentioned in the above paragraphs, and the methods whereby they might be prevented, noted or suppressed.

The Committee considers that, as regards chemical warfare, it would be advisable to limit, by Convention, the stocks in each country of toxic substances, and of products which could easily be transformed into toxic substances, to industrial requirements only. All States participating in the Convention should be informed of the size of such stocks, which should be subject to an international system of control.

The Committee considers that the organization in peacetime of troops specially trained to carry out gas attacks should be forbidden.

It should be possible for any infringement of the rules of international law mentioned in the present Report to be the subject of an immediate investigation by an impartial body, which it would be advisable to plan in peacetime. Intervention by such a body should not only be aimed at ascertaining whether the accusations made are well-founded and at placing the facts before the public; it should also be of such a character as to prevent recourse to measures which might aggravate the situation.

The Committee decided not to discuss at this stage any matters connected with the question of sanctions or the legal structure of any Convention which might be concluded.

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When one examines everything that has been proposed to lessen the dangers to which war exposes civilian populations, one finds that whenever an attempt is made to prohibit plans for, or the manufacture of, some appliance of war, considerable difficulties are encountered, because the same appliances can be used in peace and in war for different purposes. It is probable that technical progress will do nothing to diminish these difficulties, but rather the contrary. Logic therefore leads one to ask for total prohibition of the use of such arms and appliances in wartime. And such a prohibition would doubtless be highly desirable.

It must however be realised that a Convention prohibiting their use would run a very serious risk. The fact that it is possible and easy to transform into weapons of war appliances and substances which are used in time of peace shows that in reality such appliances and substances are always available. That being
so, if the Convention were to be violated, or to become legally inoperative, in a future war, the danger hanging over the civilian population would become manifest.

These facts lead to the natural conclusion that it is more than ever necessary, and will become increasingly so, to exert every effort to abolish recourse to war and replace it by methods of peaceful settlement of international difficulties.

Appeal of the International Committee of the Red Cross of 12th March, 1940, to the High Contracting Parties signatory to the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field, and to the Fourth Hague Convention of 1907 respecting the Laws and Customs of War on Land.

Appeal for the Protection of Civilian Populations against Bombardment from the Air

Geneva, March 12, 1940

Profoundly moved by present-day events and deeply concerned about the new sufferings that may befall mankind as the result of armed conflicts, the International Red Cross Committee takes the liberty of addressing the present message to all the Powers signatories to the Geneva Convention for the relief of the sick and wounded, and to the Fourth Hague Convention of the year 1907. If the International Committee invokes firstly the Geneva Convention, of which its founders were the pioneers, it is because this is the oldest and most generally recognized agreement for the enforcement of certain humanitarian principles, even in the deeply tragic situations resulting from war. The International Committee also invokes the Fourth Hague Convention of the year 1907, which is the chief international treaty regulating the conduct of hostilities in a general sense, more especially as regards civilian populations.
For many years, armed conflicts of various kinds have deluged the world with blood. Today these conflicts have developed to an exceptional degree and the peoples of all countries, viewing the experiences gathered in recent conflicts, are anxiously wondering what use will perhaps be made of the formidable means of destruction that have been piled up on all sides.

For this reason, the International Red Cross Committee feels itself bound to draw the attention, in the most pressing fashion, of all States, particularly of the Powers actually engaged in conflicts, to a problem of the deepest gravity: the protection of civilian populations against bombardment from the air.

The duty of the Red Cross is, first and foremost, to bring relief to the victims of warfare, to the sick and wounded and to prisoners of war. In this respect the Geneva Conventions furnish, in the majority of cases, a sound juridical basis, and their humanitarian principles have, as a general rule, been respected even in circumstances where these Conventions, as such, were not held to be formally applicable by some of the interested Parties.

But the International Committee must, none the less, seize all possible opportunities of eliminating, or reducing the causes which increase still more the number of war victims. For this reason it is the Committee's duty to consider with particular solicitude the lot of those who are incapable of harming the enemy, but are nevertheless exposed to the terrible effects of engines of destruction.

Among these possible victims of military operations, the populations of large centres, towns and villages are far the most important, because of their number. Bombardment by airplane exposes such civilian populations to a formidable danger, scarcely foreseen at the time when the chief Conventions for the regulation of warfare were concluded. Yet the great humanitarian principles of these Conventions and the indestructible spirit that informs them, remain unchanged, and must continue to impress themselves on the conscience of all nations, under the new conditions of warfare. It is in the Fourth Hague Convention of 1907 especially that these principles and this spirit have found their expression. The Hague Convention is based on the general immunity which International Law grants to civilian populations, as distinct from armed forces; it refuses furthermore to belligerents an unlimited right in the choice of means of harming the enemy; it forbids, lastly, the attack or bombardment, by any means whatsoever, of towns, villages, dwellings or buildings which are not defended.

In the absence of any recent Convention formally and specifically regulating aerial warfare, and taking into account the changes that have occurred in the conduct of hostilities,
an idea common to all civilized nations has nevertheless made its appearance; military objectives alone can be permissibly attacked. The important declarations made in September 1939 by several belligerent Powers can be quoted in support of this affirmation.

The statement of a principle is, however, not sufficient in itself, since the notion of "military objectives" remains lacking in precision, and because difficulties arise from the fact that military objectives are sometimes close to harmless inhabited areas, or are more or less mixed up with them.

In order to diminish such dangers, and as a makeshift solution, it has been suggested in various quarters that "safety areas" should be created which would harbour certain categories of civilian populations. In September 1939 already, the International Red Cross Committee recommended belligerent Powers to adopt such measures, and it has repeatedly drawn their attention to this point since that date. Though the idea has nowhere been rejected, no positive result has been achieved hitherto.

Under these circumstances, and seeing the fearful menace which threatens all peoples, the International Red Cross Committee, following the wishes expressed on the occasion of several International Red Cross Conferences by the entire body of National Red Cross Societies - Conferences at which Governments were also represented - , considers itself bound to refer once more to a matter which it deems essential, namely the prohibition or limitation of aerial bombardment. The Committee therefore addresses to all Powers a pressing appeal, asking them to examine the possibility of giving civilian populations better security, by fixing at least certain basic conditions regulating the use of aerial weapons.

Under present circumstances, complete and strict regulations, and still more the meeting of a diplomatic Conference, seem to have no practical chance of success. However, bilateral agreements between Powers actually at war may be locked upon as feasible. The International Committee, which earnestly desires the conclusion of such agreements, urges all Powers in the most pressing manner to give favourable consideration to this solution of the matter. In the Committee's view such agreements should envisage the following points, which we consider to be essential:

1. Confirmation of the general immunity granted by International Law to civilian populations.

2. Proclamation that military objectives alone are legitimate objects of attack, (1) and, more especially

(1) The Draft Convention drawn up by the Juridical Commission which met at The Hague in 1923, and certain studies annexed thereto, might furnish useful suggestions on this point.
prohibition of all attack directed against civilian populations as such (intimidatory bombardments).

(3) Definition of what is meant by "military objective".

(4) Recognition that in any case an act of destruction shall not involve harm to the civilian population disproportionate to the importance of the military objective aimed at by the attack.

The determination of military objectives will moreover have the advantage of allowing States to take practical steps in order to remove harmless populations from the neighbourhood of places which are recognized as military objectives and are thus exposed to bombardment.

*   *   *

The International Red Cross Committee furthermore considers necessary to foresee some form of procedure applicable in case of alleged or effective violation. The profound emotion which is so justly caused by all cases where inoffensive inhabitants fall victims to the horrors of war, demands immediate establishment on the spot, with all possible objectivity, of the alleged facts. Such establishment is also of undoubted value, if and when a proper enquiry can be instituted under such conditions as may ensure equal respect of right and impartiality.

The International Red Cross Committee moreover holds it to be fundamentally important to stipulate that no reprisals—insofar as the Powers may consider reprisals to be legitimate—may be instituted before the interested party has, at the very least, been able to make itself heard, within a given time, through the intermediary of the Power appointed to represent its interests with the enemy, or through any other channel the Powers may choose. Nothing should be neglected which may prevent the belligerent States from embarking on the perilous course of reprisals.

Lastly, the International Committee recalls here a principle which can, on no pretext whatever, be called into question, namely, that persons and things protected by the Geneva Convention can never be the objects of attack, not even on the plea of reprisals.

*   *   *
The International Red Cross Committee is fully conscious of the fact that the measures and provisions suggested in the present appeal constitute no more than a portion of those that are essential in the interest of persons exposed to the risks of war.

Where the rules of law are recognized and respected by Parties to a conflict, the International Red Cross Committee will endeavour to secure the application of such rules in a humanitarian spirit, and their amendment, whenever this may be possible.

Where, in the absence of juridical conceptions common to the States interested, law itself is in danger of becoming practically inexistant, the International Red Cross Committee will endeavour to secure, as a minimum, that the rigours of war be spared to all human beings who are defenceless and the most worthy of assistance, or that such rigours be at least reduced as far as possible in their particular case. In pursuance of these efforts, the International Committee, true to its tradition, will seek to enforce the ideal and the principles which originally inspired, and still continue to inspire, the Geneva Convention and the Red Cross.

For the International Red Cross Committee

Max HUBER
President.

Appeal of the International Committee of the Red Cross of 5th September, 1945, concerning a few of the most immediate problems which the civilized world has to meet as a result of the recourse during the second World War to systematic destruction by bombing from the air and to new weapons. (Addressed to National Red Cross Societies). (Extracts).

There can be no doubt that war, an anachronism in a civilized world, has taken on a character so devastating and so wide-spread, in the web of conflicting interests of the various continents, that the thoughts and labours of all should be turned to the paramount task of making impossible the resort to arms. The Red Cross, nevertheless, is compelled, in time of war, to
pursue its traditional efforts in the field of international law, that is to rise in defence of humanity and of the demands that it makes. At a moment when peace seems, at last, to have returned it may appear ill-timed to take up such a task, but that should not deflect the Red Cross from this fundamental duty. As the destructive forces of war increase, so much the more imperative does it become to protest against this overthrow of human values and to turn the light of man's conscience, frail though it be, to pierce the darkness.

It is indeed questionable whether the latest developments of the technique of warfare leave any possibility for international law to cover a firm and sound order of society. Already the first World War, and still more the long disaster of the past six years, demonstrate that the conditions which prompted the framing of international law in its model form in the Geneva and Hague Conventions, have undergone far-reaching change. It is clear that developments in aviation and the increasingly destructive effects of bombing have made practically inapplicable the distinctions hitherto drawn, whereby certain classes of people had by right a special protection (for instance, the civil population in contrast to the armed forces). The inevitable development of weapons, and so of warfare as a whole, has a greater significance by reason of the exploitation of the discoveries in nuclear physics, which permit the producing of arms of a potency hitherto unknown. It would be useless to attempt a forecast for this new weapon, or even to express an opinion on the prospect that the Powers would relinquish it altogether. The question arises whether they would, perhaps, keep it in lasting and unfailing reserve as a supreme safeguard against war and as a means of preserving a just order. This hope is not, perhaps, entirely vain as, during this six years struggle, there has been no recourse to the chemical or bacteriological means of warfare as outlawed by the Powers in 1925. It is as well to remember this fact at a time when there have been so many infringements of law and so many reprisals have been taken.

In former times war was, essentially, an armed contest between combatant forces. To-day, it supposes the total mobilization of all living forces of the nation against the enemy country and it involves the whole population. Warfare has now altered fundamentally owing to recent discoveries and to technical application of them. Mankind is thus faced with a problem of supreme gravity which calls for decisions on the moral plane.

The Geneva Convention gives guarantees to the wounded and sick of the armed forces - just as to their adversaries - that their lives will be protected and that they will have the right to proper care; the Convention on the treatment of prisoners of war watches over the physical and moral situation of those in captivity. The terms of these instruments declare the absolute inviolability of an enemy who is no longer fit for combat and
give recognition to the dignity of the human personality. Protection of the civil population must rest on these same principles. The same applies to the endeavours made by the Red Cross to bring relief supplies of all kinds—foodstuffs, clothing and indispensible medicaments—to women, children and old people in occupied territories. Safeguarding of children is the last line which the Red Cross must defend, if war is not to mean utter destruction of mankind.

From totalitarian war have sprung new techniques. Must it then follow that the individual person will no longer enjoy the protection of the law and that he will thus be considered as a mere pawn in the mass struggle? That would mean the collapse of the principles that are the foundation of international law, which affords physical and moral protection to the human person. Even in time of war, a system of law which is purely expedient, based on self-interest and which serves only the exigence of the moment, could never offer an enduring security.

Unless respect for the significance and dignity of man is sustained, war will inevitably lead to boundless destruction, since the human mind which harnesses the forces of the universe seems, by the mechanisms it contrives, to hasten the onrush of destruction.

The Red Cross ideal, however, endures. It embodies the conception of the significance and dignity of man. It then far transcends the law of nations and the laws of war. It is upon that ideal, using the word in its most profound sense, that human society depends for its survival.
RESOLUTION OF THE INTERNATIONAL RED CROSS CONFERENCE

CONCERNING THE USE OF NON-DIRECTED WEAPONS.

Non-directed weapons

In order to render war less inhuman, to protect the civil population to the greatest extent possible against the effects of armed conflict, in which it should not be implicated, and to eliminate practices which aggravate the evils of war for both civilians and the armed forces, the Governments are invited to make the following additions by treaty to the IVth Hague Convention concerning the laws and Customs of War on Land (1907),

"Absolute prohibition of the use of gas in whatever manner, vaporized, by projectile or otherwise, as a weapon of warfare". (Xth International Red Cross Conference, Geneva, 1921, Resolution No XII, 1)

The XIIth International Red Cross Conference,

(1) - having noted with great satisfaction that the Geneva Protocol, of June 17, 1925, confirming and extending the Washington Treaty of February 6, 1922, and the Versailles Treaty of June 28, 1919, solemnly denounces chemical and bacteriological warfare,
recommends that the Protocol be ratified at the earliest possible moment and that States which have not yet adhered thereto should do so without delay,

(2) - lest the Protocol be violated, considers it is the duty of the Red Cross, in peacetime, to co-operate with civil and military authorities, in finding the means for the protection and treatment of its personnel, the belligerent armies and more especially the civil population, against the effects of chemical warfare.

The International Committee is requested to keep itself informed of the progress achieved on this programme, and to get in touch with the National Societies on the subject.

(3) - In general, the International Red Cross and the National Red Cross Societies should place among their foremost concerns international moral resistance and propaganda against chemical and bacteriological warfare, together with scientific and technical preparation of the best preventive and remedial measures against such methods of warfare. (Geneva, 1925, Resolution No V).
The XIIIth International Red Cross Conference,

conscious, that in condemning chemical and bacteriological warfare, it is expressing the general opinion of the civilised world,

noting that the Geneva Protocol of June 17, 1925, concerning prohibition of the use of asphyxiating, poison or similar gases, and of bacteriological warfare, has so far been ratified by only a very small number of States,

requests the International Committee of the Red Cross to bring once again to the attention of the Government the great desirability, on humanitarian grounds, that they should declare their final adhesion to the said Protocol at the earliest possible date. (The Hague, 1928, Resolution No V).

The XIVth International Red Cross Conference,

having taken note of the measures adopted by the International Committee of the Red Cross to carry out the mandate concerning chemical warfare given it by the XIIth International Red Cross Conference in Geneva,

recalls that international law expressly condemns attack by belligerent forces on the civilian population,

approves the Resolution and Recommendation of the Commission of Experts convoked by the International Committee of the Red Cross, which concern the work of the International and National Red Cross for the protection of the civilian populations against the dangers of chemical warfare,

particularly requests Governments and National Red Cross Societies to give whole-hearted support to the work of the national Joint Commissions,

requests the International Committee of the Red Cross to enlarge the Commission of Experts in such a way as to enable it to examine all aspects of the problem of chemical warfare, including its use with other means of offence, and to convene the Commission periodically. (The Hague, 1928, Resolution No VI).

The XVth International Red Cross Conference,

(1) - renews the declarations of preceding Conference relative to chemical and bacteriological warfare, and urges the International Committee of the Red Cross to pursue its efforts towards hastening the ratification of the Geneva Protocol of June 17th, 1925, prohibiting the use of asphyxiating, poisonous or similar gases in warfare by all Powers having signed, or adhered to, the Geneva Convention,
(2) - The XIVth International Red Cross Conference,

approves of the measures taken by the International Committee of the Red Cross in carrying out the mandate entrusted to it by the XIIIth Conference, and urges it to continue its efforts towards the protection of civilian populations against chemical warfare, in accordance with the Resolution of the International Commission of Experts,

and expresses the hope that the National Red Cross Societies will grant immediate financial support to the International Committee to enable it to carry these efforts to a successful conclusion, particularly in developing an information centre and in organising competitions, with prizes, between scientists and manufactures; without such pecuniary support, the future of this work would be seriously compromised,

(3) - The XIVth International Red Cross Conference,

deems it the bounden duty of the National Red Cross Societies,

to take every useful precaution, in conformity with the appropriate instructions issued by their respective Governments, for the passive defence of the civilian populations against the dangers of warfare, whether chemical alone or combined with other forms of attack,

to provoke, if need be, these governmental instructions,

to apply them within the limits set by the Governments, while using the widest possible initiative in cases where the Governments have specified nothing formal as to the choice of methods,

to keep their respective Governments periodically informed of progress made in this direction,

the Conference hopes further that the Governments will concern themselves with the active defence of large cities against attacks from the air; such measures would be purely military in character but are vital to the protection of the population.

(4) - from a study of the Resolution of the Experts sitting at Brussels and Rome, it is apparent that a war would expose civilian populations to very grave perils and that it might become almost impossible, particularly in the case of large agglomerations, to protect them,

this possibility is the more serious inasmuch as it appears, after consultation with jurists, that the protection of
civilians against the effects of warfare is properly guaranteed by no Diplomatic Convention. The Conference deems that it is the duty of the International Committee to study the means whereby this state of affairs might be remedied and made known. (Brussels, 1930, Resolution No V).

The XVth International Red Cross Conference, while noting that since the XIVth Conference the number of Governments which have ratified the Geneva Protocol of June 17th, 1925, concerning the prohibition of the use in war of asphyxiating, poisonous or similar gases, and of bacteriological methods of warfare, has considerably increased, recommends that the International Committee of the Red Cross continue its endeavours to secure the ratification of the said Protocol or adhesion to the said Protocol by all countries which are parties to the Geneva Conventions, thanks the International Committee for the initiative which it has taken in order to develop in time of peace and in time of war measures for the protection of civilian population against poison gas, expresses the hope that the International Committee will be placed in the position to continue the technical investigation which it has already undertaken in spite of the difficulties of all kinds confronting it, approves the activity of the Documentation Centre, and invites National Societies to give their financial assistance to the International Committee, in order to contribute to the development of this Centre, notes the conclusions of the International Commission of Jurists of 1931, and expresses the hope that the studies of this Commission will be continued with a view to finding means for the legal protection of the civilian population against the dangers of aerial warfare in its various forms. (Tokyo, 1934, Resolution No XXXVI).

The XVIITH International Red Cross Conference, considering that during the Second World War the belligerents respected the prohibition of recourse to asphyxiating, poison and similar gases and to bacteriological warfare, as laid down in the Geneva Protocol of June 17, 1925, noting that the use of non-directed weapons which cannot be aimed with precision, or which devastate large areas
indiscriminately, would involve the destruction of persons and
the annihilation of the human values which it is the mission
of the Red Cross to defend, and that the use of these methods
would imperil the very future of civilisation,

earnestly requests the Powers solemnly to undertake
to prohibit absolutely all recourse to such weapons and to the
use of atomic energy or any similar force for purposes of
warfare. (Stockholm, 1948, Resolution No XXIV).
APPEAL OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS
OF 5th APRIL, 1950, CONCERNING ATOMIC WEAPONS
AND NON-DIRECTED MISSILES
(Adressed to the High Contracting Parties signatory to the
Geneva Conventions for the Protection of the Victims of War)

Geneva, April 5, 1950

On August 6, 1945, when the first atomic bomb exploded, the world saw in it at first only a means of ending the War. Soon the destructive capacity of this arm became known, and increasing alarm came with the realisation. Since then, the civilised world has been hoping to see a reaffirmation of the rules of law and their extension to ensure protection against such means of destruction. Not only has this hope been belied, but there is already talk of arms still more destructive. Scientists have it that entire cities can be instantly wiped out and all life annihilated for years over wide areas. Mankind lives in constant fear.

It is the province of Governments to draw up the laws of war. The International Committee of the Red Cross is well aware of this fact, and it realises that the establishment of such laws involves political and military problems which are by their very nature outside its scope. Nevertheless, on the morrow of the formal signature of the four Geneva Conventions for the protection of the victims of war, the Committee feels that its duty is to let Governments know of its anxiety.

The protection of the human person against mass destruction is intimately bound up with the principle which gave rise to the Red Cross: the individual who takes no part in the fighting, or who is put hors de combat must be respected and protected.

The International Committee has not waited until now to take up the question. On September 5, 1945, scarcely a month after the release of the first bomb, it drew the attention of National Red Cross Societies to the grave problem posed by the atomic arm. This step was in itself a logical sequence in the attitude the Committee had taken to the development of modern warfare. From 1918 onwards, it had begun to collect documentation on the protection of civilians against aerial warfare and
might be considered in this respect as a pioneer of civilian air-raid precautions. The Committee at the same time endeavoured to secure from the Powers an undertaking to refrain from the bombardment of non-military objectives. A series of proposals was laid before one of the first Assemblies of the League of Nations, with the object of eliminating certain methods of warfare introduced during the first World War. Supported by the conclusions reached by experts and backed by the documentation it had brought together, the Committee later addressed to the Disarmament Conference an appeal for the absolute prohibition of aerial bombardment.

During the second World War, the Committee repeatedly called upon belligerents to restrict bombardment to military objectives only, and to spare the civil population. The most important of these appeals, dated March 12, 1940, recommended that Governments should conclude agreements which would confirm the immunity generally accorded to civilians and prohibit all attacks against them. Similarly, the International Committee on several occasions advocated the creation of safety zones and localities. All these efforts proved fruitless.

The War once over, the International Committee did not relax its efforts. The Preliminary Conference of National Red Cross Societies, which met at Geneva in 1946, adopted a Resolution recommending, inter alia, the prohibition of the use of atomic energy for war purposes. Armed with this text, the International Committee presented a report to the XVIIth International Red Cross Conference (Stockholm, 1948) recalling the above facts, and proposed the confirmation of the 1946 Resolution, after extending it to cover all non-directed weapons. The Conference voted the following Resolution:

"The XVIIth International Red Cross Conference,

considering that, during the Second World War, the belligerents respect the prohibition of recourse to asphyxiating, poison and similar gases and to bacteriological warfare, as laid down in the Geneva Protocol of June 17, 1925,

noting that the use of non-directed weapons which cannot be aimed with precision or which devastate large areas indiscriminately, would involve the destruction of persons and the annihilation of the human values which it is the mission of the Red Cross to defend, and that use of these methods would imperil the very future of civilisation,

earnestly requests the Powers solemnly to undertake to prohibit absolutely all recourse
to such weapons and to the use of atomic energy or any similar force for purposes of warfare".

Almost at the same moment, the International Congress of Military Medicine and Pharmacy, also meeting at Stockholm, adopted a similar Resolution.

Today, in recalling to Governments the Resolution of the XVIIth Red Cross Conference, the International Committee feels obliged to underline the extreme gravity of the situation. Up to the Second World War it was still to some extent possible to keep pace with the destructive power of armaments. The civilian populations, nominally sheltered by International Law against attack during war, still enjoyed a certain degree of protection, but because of the power of the arms used, were increasingly struck down side by side with combatants. Within the radius affected by the atomic bomb, protection is no longer feasible. The use of this arm is less a development of the methods of warfare than the institution of an entirely new conception of war, first exemplified by mass bombardments and later by the employment of rocket bombs. However condemned - and rightly so - by successive treaties, war still presupposed certain restrictive rules, above all did it presuppose discrimination between combatants and non-combatants. With atomic bombs and non-directed missiles, discrimination becomes impossible. Such arms will not spare hospitals, prisoner of war camps and civilians. Their inevitable consequence is extermination, pure and simple. Furthermore, the suffering caused by the atomic bomb is out of proportion to strategic necessity; many of its victims die as a result of burns after weeks of agony, or are stricken for life with painful infirmities. Finally, its effects, immediate and lasting, prevent access to the wounded and their treatment.

In these conditions, the mere assumption that atomic weapons may be used, for whatever reason, is enough to make illusory any attempt to protect non-combatants by legal texts. Law, written or unwritten, is powerless when confronted with the total destruction the use of this arm implies. The International Committee of the Red Cross, which watches particularly over the Conventions that protect the victims of war, must declare that the foundations on which its mission is based will disappear, if deliberate attack on persons whose right to protection is unchallenged is once countenanced.

The International Committee of the Red Cross hereby requests the Governments signatory to the 1949 Geneva Conventions, to take, as a logical complement to the said Conventions - and to the Geneva Protocol of 1925 - all steps to reach an agreement on the prohibition of atomic weapons, and in a general way, of all non-directed missiles. The International Committee, once again, must keep itself apart from all political and military
considerations. But if, in a strictly humanitarian capacity, it can aid in solving the problem, it is prepared, in accordance with the principles of the Red Cross, to devote itself to this task.

For the International Committee of the Red Cross

Leopold Boissier
Vice-President

Chairman of the Legal Commission

Paul Hugger
President