The Agenda of the Preliminary Conference of the National Red Cross Societies comprised three parts, each of which was dealt with by one of three Commissions. The First Commission discussed the Geneva Convention of 1929 relative to wounded and sick, and relevant provisions; the second Commission had to examine the 1929 Convention relative to the treatment of prisoners of war, and the drafting of a new Convention concerning Civilians of enemy nationality; the third Commission was entrusted with the examination of specific Red Cross problems.

A summary report of the work of these three Commissions as amended and approved by the Plenary Assembly of the Conference at the close of the session, will be found below.

In addition, Part D gives the results at which the Conference arrived in regard to matters not included in the Agenda proposed by the International Committee of the Red Cross.
I. - REVISION OF THE GENEVA CONVENTION FOR THE RELIEF OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD.

Application of the Convention to all cases of hostilities

The Commission recommends the introduction, at the head of the Geneva Convention, of a new Article which might run as follows:

"The present Convention is applicable between the High Contracting Parties from the moment hostilities have actually broken out, even if no declaration of war has been made and whatever the form that such armed intervention may take."

"In the case of armed conflict within the borders of a State, the Convention shall also be applied by each of the adverse parties, unless one of them announces expressly its intention to the contrary."

Extension of the Convention to Wounded and Sick Civilians

The Commission is unanimous in considering that the principles embodied in the Geneva Convention should be extended to wounded and sick civilians, as also to the staff, buildings and equipment devoted to their care.

Chapter I.- Wounded and Sick.

Article 1. Section 1.- The Commission considers that the words "without distinction of nationality" should be replaced by the words "without any distinction whatever, particularly of nationality, race, sex, religion or political opinion."

The Commission notes, moreover, that in the English translation the expression "Officers and Soldiers" should be replaced by the more exact term "Members of the Armed Forces".

Article 3. Section 1.- The Conference considers that the words "After each engagement, the occupant of the field of battle shall take measures..." should be replaced by the words "Each belligerent shall without delay take measures..."
Furthermore, the Commission recommends the insertion in Art. 3 of a new Section, as follows:

"Whenever circumstances permit, belligerents shall grant passage through their lines to the necessary medical staff and equipment bound for a besieged zone, and shall allow the evacuation of the wounded and sick."

Article 4. Section 1.- The Commission considers desirable that information concerning wounded and dead be centralized by official Prisoners of War Information Bureaux (set up in virtue of Art. 77 of the Convention of 1929 on Prisoners of War), and forwarded to the country of origin through the intermediary of the Central Prisoners of War Agency (Art. 79 of the said Convention).

Section 2.- The Commission recommends the introduction at the close of the paragraph of the words "if possible by means of a unified form".

Section 5.- The Commission recommends the introduction after the words "honourably interred" of the words "if possible according to the rites of the religion to which they belonged".

Section 7.- The Commission proposes to replace the words "After the cessation of hostilities..." by the words "As soon as circumstances allow, and at the latest, after the cessation of hostilities".

Article 5.- The Commission is of the opinion that this Article should be placed at the end of Chapter III. It should be completed by the adjunction, at the close of the first paragraph, of the sentence:

"In case of occupation, the enemy belligerent shall grant these persons the same protection and the same facilities"; and by the adjunction of a new section as follows:

"Inhabitants, even in occupied regions, may not be prohibited from giving spontaneous help to the wounded and sick, on condition that the latter shall not be assisted to elude the possible control of the occupying authority".
Chapter II.- Medical Formations and Establishments

Article 6.- The Commission is of opinion that the words "Mobile medical formations, that is to say, those which are intended to accompany armies in the field, and the fixed establishments of the Medical Service..." should be replaced by the expression "Fixed establishments and mobile formations of the Medical Service...".

Article 7.- The Commission, considering that the principles embodied in the Geneva Convention should be extended to wounded and sick Civilians, recommends, in case Governments do not, however, share this view that the following stipulation be introduced into the Convention:

"The protection due to medical formations and establishments, their staff and equipment and to hospital transports, shall not cease when their humanitarian activities are extended to the civilian population".

Article 8.- The Commission recommends the insertion, at the close of Section 1, of the word "particularly".

Chapter III.- Personnel

Article 9.- The Commission recommends the insertion in Section 1, after the words "The personnel engaged exclusively in ...", of the words "the search...". The word "search" should also be added after the following words of Section 2: "as auxiliary nurses or stretcher-bearers for the ...".

The Commission further recommends the adoption of uniform identification papers, so that temporary Medical Personnel may at all times enjoy the benefit of the Convention, should they be captured while carrying out the same functions as the permanent personnel.

Furthermore, after consideration of the passage of the Commission's report relative to the protection of Medical Personnel, the Conference recommends that a Committee of Experts be instructed to study the protection that might be granted to Medical Personnel engaged exclusively in the prevention of disease.
Article 10. - The Conference, having considered the proposals made on this point by the First and Third Commissions, recommends that Section 1 of this Article be replaced by a new Section, as follows:

"The personnel of National Red Cross (Red Crescent, Red Lion and Sun) Societies, duly recognized by their respective Governments, are placed on the same footing as the personnel contemplated in the first Section of Article 9, provided that they are employed in the same functions and be subject to military law and regulations".

Article 11. - The Commission proposes that Section 2 be amended as follows:

"The neutral country which lends the assistance of its Red Cross Society, as also the belligerent who accepts such assistance, shall be bound, before making any use of it, to notify the adverse party thereof."

The Commission further recommends the introduction of a third Section as follows:

"Under no circumstances shall such assistance be considered as interference in the conflict".

Article 12. - (Status of Medical Personnel). The Conference, having considered the proposals made on this point by the First Commission, and while in favour of the retention of Article 12 of the Geneva Convention, recommends nevertheless that a Committee of Experts (who could be the same as that considered under Article 9) should be instructed to draft detailed provisions, which would enable wounded and sick Prisoners of War, under all circumstances, to receive the best possible care.

Chapter IV. - Buildings and Material.

Article 16. - The Commission recommends that Section 2 of this Article be amended as follows:

"The material of those Societies, wherever and in whatsoever conditions it may be, shall also be considered as private property".
Chapter V.- Medical Transport.

The Commission recommends the insertion of a new Article, embodying the following general principle:

Transports of wounded and sick, and the medical staff and material employed for that purpose, including the means of conveyance, shall under all circumstances enjoy the protection ensured by the present Convention to hospital establishments. Transports of medical equipment shall enjoy the same facilities, on condition that all steps to ensure strict observance of the principles laid down in the Convention are taken by the belligerent to whom they belong.

Regulation of Hospital Transport by Air

The Commission recognizes that the question is not of establishing a new Convention adapting the principles of the Geneva Convention to air warfare, but of regulating hospital transport by air.

The Commission considers that such regulation should be the subject of provisions completing Article 18 of the Geneva Convention. It decides to leave to the International Committee of the Red Cross the task of drafting these provisions, with expert advice, and taking into account the following few principles:

- In the French text the expression "appareils sanitaires aériens" to be replaced by the term "appareils aériens sanitaires".

- The principle of the restitution of hospital airplanes should be maintained.

- The provisions relating to air transport should be brought into line with those relating to hospital transport by land (Article 17). Nevertheless, recourse should not be had to planes temporarily detailed for medical purposes, with removable distinctive emblems.

- No provisions should be made for marking, with a view to their immunity, landing grounds employed solely by hospital airplanes.

- A provision authorizing free passage for hospital airplanes over territory or territorial waters of non-belligerents should be inserted, in conformity with Article 14 of the 5th Hague Convention of 1907 on the Rights and Duties of Neutral Powers.

Furthermore, the Commission recommends that the question of utilizing hospital airplanes for the purpose of searching for wounded, sick, or shipwrecked persons, by land or sea, be examined.
Chapter VI. - The Distinctive Emblem

Article 21. - The Commission recommends that in drafting the final text of this Article the following principles be observed:

Unification by each State of the identification papers issued to the various categories of its Medical Personnel.

Adoption by all States of a uniform model of identity card.

Identification papers should be provided with the photograph and finger-print of the bearer.

Furthermore, the Commission recommends the adoption of a provision urging on States the immediate establishment of duplicates of all identity cards issued to members of Medical Personnel, such duplicates to be preserved with a view to replacing originals in case of loss.

Articles 22 and 23. - The Commission recommends unification of the use of the national flag, stipulating both for mobile formations and for fixed establishments the simple right to display it.

The last sentence of Section 1 should then be deleted and replaced by a new Section 2, which might be worded as follows:

"Both in mobile formations and in fixed establishments, it may be accompanied by the national flag of the belligerent to whom the formation or establishment belongs".

Article 23 could then also be amended as follows:

At the end of Section 1 the words "should the latter make use of the faculty conferred upon him by Article 22" to be added. Furthermore, Section 2 and 3 to be replaced by the following: "Unless orders to the contrary are given by the responsible military authority, they may under any circumstances fly their national flag, even should they fall into the hands of the adverse party."

Article 24. - The Commission recommends that this Article be replaced by the following provisions:

"The emblem of the red cross on a white ground and the words "Red Cross" or "Geneva Cross" shall not be used, except in the cases named in the last three Sections of the present Article, either in time of peace or in time of war, unless to protect or to indicate the medical formations and establishments, personnel and equipment protected by the Convention."
"The same shall apply as regards the emblems mentioned in Article 19, Section 2, in respect of the countries which employ them."

"However, the National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in conformity with national legislation, make use of the emblem of the Convention, in time of peace as well as in time of war, for all their humanitarian activities, in so far as this utilisation and the dimensions of the emblem are such that the latter cannot, in time of war, be considered by the enemy as conferring protection in the sense of the present Convention.

"Under similar conditions, the International Committee of the Red Cross, the League of Red Cross Societies, or any other recognized Red Cross organisation, functioning as a neutral intermediary, shall also be authorized to make use at all times of the emblem of the red cross on a white ground."

"As an exceptional measure and with the express authorization of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to mark the location of First Aid Stations exclusively reserved for giving gratuitous assistance to wounded and sick persons."

Chapter VII. - Application and Execution of the Convention.

Article 26. - The Commission recommends the insertion of the following provision:

"In no case shall measures of reprisal be taken against the wounded and the sick, the buildings, personnel or equipment protected by the Convention."

Chapter VIII. - Suppression of Abuses and Infractions

Article 28. - The Commission recommends that in Section 1 the expression "The Governments of the High Contracting Parties" be replaced by the words, "The High Contracting Parties". It further recommends that the words "or propose to their legislatures", in the same paragraph, be deleted.

The Commission further suggests that the words "for commercial or any other purposes" at the end of Section 1 (a) be replaced by the words "whatever the purpose of such employment."
The Commission also proposes to replace Section 2 by a new text which might run as follows:

"States not party to the Geneva Convention of July 27, 1929, which may later on ratify the present Convention or adhere to it, shall take the necessary measures to prevent at all times the acts indicated under (a) and (b) above, so that the said prohibition shall become effective at latest five years after the said ratification or adhesion."

"The interdiction of the use of a trade-mark or commercial emblem contrary to the prohibitions stated above, already enacted by the Convention of July 27, 1929, shall be maintained."

"In States not party to the Convention of 1929, which may later on ratify or adhere to it, it shall no longer be lawful, as from the date when the act of adhesion is filed, to employ a trade-mark or commercial emblem contrary to these prohibitions. Within a maximum period of five years from the date when the Convention comes into force, the marks, style of commercial firms, and names of associations or establishments which are contrary to these prohibitions shall be altered, whatever the previous date of their adoption."

Article 29. - The Commission recommends that Section 1 of this Article be amended in the sense suggested for Section 1 of Article 28.

Article 30. - The Commission recognizes that this Article requires amplification. The Commission approves the fundamental principles laid down by the Committee of Experts in 1937 and on which the revision of Article 30 might be based. These principles, slightly amended by the Commission, might run as follows:

1. That the procedure of enquiry be opened as rapidly as possible and in a practically automatic fashion;

2. That the enquiry may be demanded by any interested Power party to the Convention, whether the said Power is belligerent or neutral;

3. That a single central and standing agency, provided for by the Convention, be charged with the constitution of the Commission of Enquiry, as a whole or in part;

4. That the Commission of Enquiry be appointed for each particular case, at the time of the demand, in consequence of an alleged violation of the Convention;
(5) That the members of the Commission of Enquiry be selected by the above mentioned agency from lists, kept up to date, of qualified and available persons, whose names shall have been submitted beforehand by Governments;

(6) That special bodies be appointed beforehand to undertake, should necessity arise, such urgent investigations as may appear necessary;

(7) That the report of the Commission of Enquiry comprise, besides a record of facts, recommendations addressed to the parties concerned.

Furthermore, the Commission recommends the adoption of the following principles:

Each belligerent State shall facilitate the investigations of the said agency on the territory of countries where it exercises authority.

The Commission is of opinion that the agency charged with the constitution of the Commission of Enquiry - see (3) - should be the International Court of Justice.

II.- CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE GENEVA CONVENTION

The Commission, after examination of the draft revised Maritime Convention, as drawn up by the International Committee of the Red Cross in 1937 in cooperation with naval experts, approved this draft as a whole. The Commission further adopted the following amendments and recommendations:

Article 10.- The Commission recommends the following amendment to the beginning of Section 1:

"Hospital ships, employed by National Red Cross Societies, by Voluntary Aid Societies duly recognized, or by private persons, shall be ... etc."

Article 11.- The Commission recommends at the beginning of this Article the amendments specified above for Section 1 of Article 10.

The Commission further recommends that a minimum tonnage for hospital ships should be decided upon. The figure should be fixed by experts.
Article 12. - The Commission recommends that the two following principles be embodied in this Article:

(a) A hospital ship is presumed to forego the protection of the Convention if it is convoyed by warships, or included in a convoy of merchant ships.

(b) The idea of placing neutral observers on board hospital ships should be examined.

Article 15. - The Commission is of opinion that Section 2 of this Article should be made the subject of a new Article which could run as follows:

"Hospital ships provided with wireless shall have no secret code. All their communications by signal or by wireless must be in clear."

Article 24. - The Commission, while approving the principle embodied in this Article, which lays down the unification of methods of signalling military hospital ships (green band) and hospital ships belonging to Red Cross Societies or to private persons (red band), nevertheless expressed the following recommendation:

The use of green or red colour should be studied anew by naval experts, who would decide as to which of the two colours is more easily recognizable by night and day.

The Commission further recommends that the use of small speed-boats for medical or ambulance purposes be examined by experts.

The Commission requests that experts should study the possibility of extending the Geneva Convention to include the mercantile marine.

The Commission recommends that the subjoined technical proposals, submitted by the representative of the French Red Cross be recommended to the attention of military experts who will give the Maritime Convention its definite form. (See below).

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(1) The routes and itineraries to be followed by hospital ships shall be signified to them by the harbour authorities of the port of departure, which reports to its headquarters, who inform the belligerent Powers through the appropriate channels.

All changes of route or of itinerary which the captain of a hospital ship makes on his own responsibility shall be signalled by him to the maritime authorities on land to whom he is accountable, and these shall advise headquarters for transmission to the belligerent Powers.

(2) All hospital ships at sea shall indicate their position in clear on 600 metres wave-length (the wave-length adopted for the security of human life) every six hours.

This position shall be relayed by the maritime authorities on land.

(3) It might be useful to supply hospital ships with Radar reflectors of a special type, allowing identification of these ships by Radar receivers in warships.
III.- PROTECTION OF CIVILIAN HOSPITALS.

The Commission recommends that civilian hospitals, i.e. establishments caring for sick and wounded civilians, and authorized by the Government, shall be protected by the Geneva Convention under the same conditions as military hospitals and permitted to employ to this end the distinctive emblem of the Convention.

IV.- HOSPITAL LOCALITIES AND ZONES.

The Commission considers that it would be extremely desirable to create hospital zones and localities for the protection of the sick and wounded, and recommends that the International Committee of the Red Cross shall study, with the cooperation of experts, the insertion into the Geneva Convention of Articles referring to the protection of such zones.

The Conference stressed the fact that it would be necessary to exclude, in the vicinity of these localities and within a radius to be determined, all military units and all establishments directly related with war operations.

V.- AMALGAMATION OF THE ABOVE TREATY STIPULATIONS.

The Conference recommends the amalgamation to the Geneva Convention of relative treaty stipulations, especially the revised draft of the Maritime Convention.

The provisions directly relating to maritime warfare should be grouped under a special heading of the Geneva Convention. Further, separate indexes should be established for the use of land, sea and air forces.
B.- REPORT OF THE SECOND COMMISSION

I.- CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

(a) General Questions

1. Introduction.

The Commission proposes that the new Convention should comprise a General Part, guaranteeing in all circumstances the essential rights of the individual, as well as the respect of the human dignity of all persons who, for any reason whatever, are in the hands of the enemy or of a Power whose authority they do not recognize. These rights should be inviolable and recognized in respect of all, without distinction of opinion race, religion, or nationality. The rules contained in this General Part could thus be invoked, even by individuals, in cases where the more detailed provisions should prove ineffectual.

The Commission also considers that the question of control and of sanctions in the case of violation of the provisions of the Convention is of particular importance, and that it should be thoroughly studied.

The Commission is of opinion that it would be desirable to extend the principle embodied in Section 3 of Article 83 of the present Convention, so that belligerents, at the outset of hostilities, should authorize meetings of representatives of the various administrative authorities responsible for Prisoners of War.

2. Field of application of the Convention.

The discussion showed that it was the unanimous desire of the Commission that the future Convention on Prisoners of War should uphold the principle of the inviolability of the rights recognized to Prisoners of War, and that it should establish in a more precise manner that its application must remain unchanged until the complete and final release of all Prisoners.

The Commission also considers that the provisions embodied in the Convention should become automatically effective as from the outset of any armed conflict, whether the parties concerned recognize it as a state of war or not. These provisions must be applied similarly in case of any form of occupation and, in principle, in case of civil war.
3. Possible mention in the Convention of National Red Cross Societies and of the International Committee of the Red Cross, instead of mere reference to "duly recognized Voluntary Aid Societies". (Art. 78).

With regard to Art. 78 of the Prisoners of War Convention, the Commission recommends that, as far as possible, relief should be carried out by recognized Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the services of other organizations are necessary, the Commission considers that these institutions should work only under the supervision of the above mentioned National Societies, or of a neutral intermediary such as the International Committee of the Red Cross.

The same principle should be embodied in Art. 39 and other relevant Articles.


Discussion on the role of the Delegates brought forward the following opinions:

(a) The future Convention should state expressly how the control of its application should be ensured;

(b) The status of delegates entrusted with this duty should no longer depend, as hitherto, on arrangements between the Committee and each of the belligerent and/or neutral States, but on a provision in the Convention which would be binding on all signatory States.

The Delegation of the International Committee of the Red Cross expressed the recommendation that National Societies should study the means of making the visits to the camps by delegates, whoever these may be, more effective than they have been in the past.

5. Official Information Bureaux on Prisoners of War.

The majority of the Commission considered that it was incumbent on National Societies to transmit, until repatriation be concluded, information concerning all persons covered by the terms of the Convention, and noted their desire that their Governments should appoint them to undertake the work defined in Article 77 of the Convention relative to Prisoners of War. Some delegates were, however, of the opinion that it would be
advisable to envisage the case that certain National Societies might be unable to undertake this task. Furthermore, one of the Delegations suggested that a specialized body should be set up, in peace time, which on the outbreak of hostilities would constitute the nucleus of a National Information Bureau.

Finally, several Delegations thought that useful work could be accomplished by the parallel activities of a Government Information Bureau and a Red Cross Information Bureau, which would supplement one another.

Though the matter was not on the Agenda, the Commission took up the question of the headquarters of the Central Prisoners of War Agency. The Commission recommended that, following the example of what had already been partly done by the International Committee, provision should be made for the setting up of branch offices of the Agency whenever the remoteness of certain countries involved in a conflict might render this course necessary.


The Commission recommended, as far as possible, uniform methods of communicating applications concerning and information about prisoners of war.

There was a tendency in the Commission to have recourse, in future, to the possibilities offered by wireless. In any case, the progress that will certainly be made in this field in the next few years makes it advisable to adopt forms easily adaptable to new methods of communication.

The Commission recognised the usefulness of a broadcasting station attached to the Central Prisoners of War Agency, and recommends that the international agencies on which devolves the assignment of wave-lengths, should allot to this station a wave-length enjoying the same protection as the distinctive emblem of the Red Cross.

Several Delegations emphasized the necessity that all technical means likely to accelerate the transmission of information should be studied.
7. **Capture Cards forwarded to the Central Prisoners of War Agency.**

The Commission agreed to the International Committee's proposal to embody in the revised Convention the right of the prisoner to send a "capture card" to the Central Prisoners of War Agency, immediately after capture.

The Commission recommended that this card should be made available to detainees whose state of health necessitates more or less prolonged hospital treatment before their transfer.

The Commission also suggested that the "capture card" be employed every time that a Prisoner of War is transferred to a new place of internment (camp, labour detachment, hospital, prison, etc.).

8. **Prisoners of War Mail.**

The Commission agreed in principle with the conclusions submitted by the International Committee in its report on Prisoner of War mail.

The following points were particularly discussed:

1) The recommendation was expressed firstly, that the forwarding of Prisoner of War mail should be accelerated by all possible means, and further, that censorship by the Detaining Power should not unduly delay the delivery of this mail to the addressees.

2) The Commission recommended that telegraphic communications made by the Central Prisoners of War Agency be free of charge.

3) The Commission also recommended that Camp Leaders be permitted to communicate freely by telegram with the Central Prisoners of War Agency and the International Committee of the Red Cross, and that they should also be allowed to correspond by ordinary mail with their National Red Cross Societies.

9. **Internment in Neutral Countries.**

The majority of the Delegations recognized the moral duty of Neutral States to receive on their territory, as far as possible, Forces belonging to belligerent armies, escaped Prisoners of War, and Civilian Refugees.
Some Delegations proposed to transform this moral duty into an obligation strictly defined by the Convention. The purpose would be to give support to Neutral Countries receiving such members of armed forces, or civilians, in view of the objections which might be raised by belligerent States.

(b) Relief Questions

1. Transit and distribution of individually Addressed Parcels.

The Commission expresses the recommendation:

(a) That the principle of Article 37, granting to Prisoners of War the right to receive individually addressed relief be firmly maintained, and that they should, furthermore, benefit by collective relief;

(b) That it be provided that Detaining Powers shall refrain from forbidding and limiting, on their own authority, the issue of individually addressed parcels;

(c) That if limitations and certain modes of application of Article 37 appear necessary, they should be, in due time, the subject of special agreements between the parties concerned;

(d) That the home country should fix, according to circumstances, the proportion of both individual and collective relief.

2. Transit and Issue of Collective Relief Supplies

The Commission was of opinion that the Convention should provide for the possibility of appointing a Head Spokesman in Base Camps, and several subordinate Spokesmen in Branch Camps and Labour Detachments. The Commission concurred, moreover, with the proposal of the International Committee to extend the rights of the Spokesman, particularly by giving him the right to visit reception centres of supplies, to check quantities and quality, and to build up stocks of collective relief supplies. Likewise, the Convention should confer on Senior Medical Officers of hospitals the right to make use freely of medicaments contained in relief consignments. As regards the issue of relief, the Commission recommends that a neutral intermediary, such as the International Committee, be authorized in certain cases to act as substitute for Spokesmen.
3. **Possible fixing of Minimum and Maximum Relief Quantities.**

While maintaining the principle that Detaining Powers are obliged to provide maintenance for Prisoners of War, the Commission was of opinion that it should be incumbent on such Powers to allow distribution of relief supplies, in so far as they are unable to feed and clothe their Prisoners of War in conformity with the stipulations of the Convention.

4. **Forwarding of Uniforms by the Home Country.**

The Commission came to the conclusion that Art. 6 of the Convention should provide that prisoners have the right to keep all parts of uniform which they are wearing when captured. The obligation of the Detaining Power to supply sufficient complete sets of garments, appropriate to the climate, should be emphasized and maintained. Moreover, the Detaining Power should be bound to permit the forwarding of consignments of uniforms, and it should be forbidden to allot to combatants uniforms already ear-marked for Prisoners of War.

5. **Ownership of Parcels.**

The Commission came to the following conclusions:

(a) Individual parcels are the absolute property of the addressees.

(b) Collective parcels are the absolute property of the individuals, once they have been issued to them.

(c) In case of illness, the issue of both individual and collective parcels shall be at the discretion of the Medical Officer.

(d) Community kit is the property of the community, as represented by the Spokesman, who shall be guided, where appropriate, in his scheme of distribution by his superior Medical Officer.

(e) Relief supplies in transit or in store, not issued to camps, shall remain at the free disposal of the donors, through the agency of the neutral intermediary.
6. **Recognition of the Right of Delegates to check up stocks and issues, and to make purchases for prisoners.**

The Commission pays tribute to the activities and efforts of the delegates of the International Committee in this connection, but considers that the proposals made in this part of the documents submitted should not be embodied in any revised or new Convention.

7. **Franchise (Exemption from Charges) and Priority for Relief Transport.**

The Commission recommends that complete franchise should be granted to all transports of relief supplies for Prisoners of War, and suggests that the financial charges resulting thereby be shared between belligerent, allied, non-belligerent and neutral countries, by special agreements. Should it prove impossible to provide for complete franchise in the Convention, consignments for Prisoners of War should, in any case, benefit by the most advantageous rate for all means of transport. Moreover, the Commission considers it necessary that certain transport priorities be stipulated in favour of consignments of relief supplies for Prisoners of War.

8. **Extension of Franchise (Exemption from Charges) to all Modes of Transport; Extension of Customs Facilities and Exemption from Customs Duties.**

The Commission is not in favour of amending Art. 38 of the Convention, as proposed by the International Committee.
9.- Red Cross Ships for the Transport of Relief Supplies.

In the assumption that there will be two Conventions, one for Prisoners of War and one for Civilians, the Commission recommends the inclusion in both Conventions of an Article authorizing the employment of Red Cross ships, duly marked, registered and operated according to existing regulations, for the transport of persons and stores coming within the scope of the Conventions dealing with Prisoners of War and/or Civilians.

II.- SITUATION AND PROTECTION OF CIVILIANS

1. Introduction.

The Commission recommends that Governments should as soon as possible make arrangements for the adoption of Conventions relative to the protection of civilians.

The Commission is, in principle, in favour of one convention only covering both Civilian and Prisoners of War.

The part dealing with Civilians should in any case be based, firstly, on the Tokyo Draft (Chapter II), and further on the proposals of the Belgian and Yugoslav Red Cross Societies (particularly with regard to Chapter III), and on the memorandum of the Norwegian Red Cross.

As regards the question of sanctions, the Commission is of opinion that violation of the provisions of the Convention should constitute a "war crime", and be punished as such.

With regard to the question of control, one delegation proposed that each National Red Cross should set up an independent Legal Section which would be responsible, in addition to the activities in this respect of the International Committee and the Protecting Power, for supervising the observation of the provisions of Conventions.
2. Civilians of Enemy Nationality in a belligerent Territory.

The Commission demands that the principle of non-internment of civilians in enemy territory be maintained, except in the few limitative cases named in the Tokyo Draft. With regard to the question whether the rules for internment and the status of Civilian Internees should be dealt with simply by reference to the provisions made for Prisoners of War, applied by analogy, or whether it would be better to draw up rules relating to Civilian Internees only, both suggestions clearly had a number of supporters.

The difficult question of the financial position of Civilian Internees, whether detained in the territory of a belligerent or in occupied territory, was examined. The recommendation was expressed that the possibility should be envisaged of making the Detaining Power responsible for a monthly allowance to these internees, sufficient to cover their most urgent needs.

In this connection, mention must be made of the suggestion of one delegation, that the property of civilians of enemy nationalities be supervised by the Legal Section referred to in Point 1.

The Commission further recommended that the financial situation of enemy non-interned aliens be given careful consideration.

3. Situation of Civilian Populations in Enemy Occupied Territory.

The Commission agreed unanimously that the taking of hostages must be absolutely prohibited in the new Conventions. Reprisals against, or collective punishment of, a civilian population, following acts attributed to nationals of the occupied State, must also be strictly prohibited.

In case of internment for reasons of security, the Commission demanded unanimously that internees should have the benefit of treatment at least as favourable as that granted to Prisoners of War. It considers indispensable that the future Conventions should contain stipulations absolutely prohibiting all forms of torture.

Certain delegations were of opinion that the supervision of legal proceedings against internees should be entrusted either to the Legal Section of the National Society mentioned in Point 1, or to the delegates of the Protecting Power, or if there be no Protecting Power, to the delegates of the International Committee of the Red Cross.

The Commission is of opinion that any prosecution or sanction should be forbidden, if it relates to acts committed prior to military occupation, or during its temporary interruption.
4. Relief to Civilian Internees.

The Commission adopted the following principles:
(a) Right of all civilians of enemy and ex-enemy nationalities to receive individually addressed parcels;
(b) Right of civilians of enemy and ex-enemy nationalities, whether interned or in compulsory residence (including political detainees, civilians held in prison, etc.) to receive individually addressed parcels and collective relief consignments, through the agency of a neutral intermediary, in the same spirit as Prisoners of War.

5. Civilian Messages. (Postal Message Scheme)

The Commission approved without comment the conclusions set out in the document submitted by the International Committee, thus confirming the great services rendered by this means of correspondence between civilians, when hostilities made it impossible for them to write through normal channels.

6. Relief to Non-Interned Civilians.

The Commission recognized:
(1) the obligation for the occupying Power to ensure the food-supply to all persons living in the territory under their control, and to take all measures necessary for combating epidemics.
(2) The obligation for the occupying Power to permit the carrying out of relief schemes in behalf of the civilian population in occupied regions.

The majority of the Commission recommended that Blockade Authorities should permit the import of relief goods into the blockaded zones, irrespective of military or political considerations.


The Commission was unanimous in recommending that all means should be employed in order to guarantee adequate protection to children in time of war.
The Commission further recognized that it was the duty of the Red Cross to assume such a task. Most of the delegations also expressed the view that the protection afforded by the Conventions should be extended to expectant mothers and to the mothers of young children.

With regard to the question whether these principles of protection should be embodied in a separate Convention or incorporated in a future single Convention for the protection of Prisoners of War and Civilians, the majority of the Commission were in favour of the second solution.

8. **Protection of the Civilian Population against Bombardments.**

The Commission took note of the report of the International Committee on this matter, but did not express an opinion, as it considered that this question was beyond its competency.

9. **Stateless Persons and Refugees.**

The Commission noted that the urgent problem of Refugees and Displaced Persons is now being studied in all its aspects by the responsible authorities of the United Nations.

The Commission recommended that within the framework of the principles and regulations adopted in this matter by the United Nations, the Red Cross should prepare immediately to afford assistance, particularly in legal matters, to the above mentioned persons, without waiting for the final solution of the problem to be found by the United Nations.

Following a proposal made by the representative of the Portuguese Red Cross, the Conference is of opinion that private organizations, particularly Red Cross Societies, must persevere in their endeavours and even intensify their relief activities in behalf of refugees of all categories, the more so since UNRRA is contemplating to cease working as from the close of 1946.
C.- REPORT OF THE THIRD COMMITTEE

SPECIFIC RED CROSS PROBLEMS

I. National Societies in Time of War.

1. The Commission, having heard the reports of various National Red Cross Societies on their work during the recent war:

- notes that these activities have often extended beyond the framework of the Conventions actually in force;

- is of the opinion that the wording of the Geneva Conventions should be extended so as to determine the sphere in which National Red Cross Societies can function, and desires to see embodied in the Convention, in addition to the care and relief of the wounded and sick of belligerent Forces, the following activities:

(a) Care and relief of Civilian war-victims and of Prisoners of War;

(b) Care and relief of Alien Refugees who may be resident on the territory of one of the National Societies during hostilities;

(c) In case of the occupation of a country, or in case of civil war, the Red Cross shall be authorized to extend its care to all wounded, without distinction of the party to which they may belong.

National Red Cross Societies shall further undertake all activities specified in their Statutes, on the understanding that if these activities go beyond the limits fixed by the Conventions, they shall not enjoy the protection afforded by these agreements.

2. Activities of National Societies in behalf of Enemy Prisoners of War, detained in their territory.

The Commission agrees to the following recommendation:

"National Societies shall contribute to the relief of enemy prisoners of war and internees on their territory, and this relief shall be granted on the basis of the most complete impartiality".
3.- Independence of National Societies with regard to the Public Authorities.

The Commission supports the resolution voted at the XIXth Session of the Board of Governors of the League, as follows:

"A Red Cross Society should maintain its position as an independent voluntary organisation, as recognised by the Government, Local Authorities and other voluntary organisations engaged in similar work, as the privileged status of the Red Cross in war may be jeopardised if the Society does not retain its independence and maintain the integrity of its aims in accordance with Red Cross principles".

II.- Cooperation of National Societies in time of war.

1.- Relations between National Societies of Enemy Countries.

The Commission proposes to amend as follows the text established in 1939 by the Study Commission appointed by the XVIth International Red Cross Conference:

"The Commission considers that it is essential that relations between National Societies of friendly or adverse States be developed, and that, in any case where such relations cannot take place direct, the International Committee of the Red Cross shall continue to act as intermediary.

"The Commission urges that the League and each of the National Societies, according to their means, shall give whole-hearted support to this measure."

2.- Possibility for neutral National Societies to facilitate relations between the Red Cross Societies of belligerent countries.

The text, established in 1939 by the above Study Commission, was adopted by the Commission, with a slight amendment, as follows:

"The Commission considers that it is the duty of National Societies of neutral countries to facilitate the relations of Red Cross Societies of belligerent countries among themselves, at the request of such Societies. The International Committee of the Red Cross shall be kept informed of action undertaken in
this field. The League's assistance in such circumstances is, should it be required, at the disposal of the International Committee.

Furthermore, the Commission recommends that the League create a special Committee during war-time, which shall maintain contact between National Red Cross Societies.

3.- Red Cross Branches remaining on territory occupied by the enemy.

(a) The Commission supports the resolution voted at the XIXth Session of the Board of Governors of the League, as follows:

"If an Occupying Power abolishes a duly recognized National Red Cross Society, the Executive Committee of the League shall meet forthwith to examine the circumstances of this dissolution and shall take every possible and appropriate step in the matter and issue an appeal to the conscience of the world".

"The same procedure shall be followed if, in consequence of the total or partial occupation of a country, the Occupying Power interferes in the administration of the Red Cross of the occupied country, or in any way impedes the Society in the pursuit of its aims, or replaces it by a puppet Society."

(b) The Commission further draws the attention of the League to the need to study, in cooperation with the International Committee of the Red Cross, the best means of safeguarding the funds belonging to National Societies in occupied countries.

(c) The Commission recommends that the International Committee of the Red Cross, either independently or, if circumstances require, in consultation with those members of the League who are accessible, shall take all steps considered possible and useful in order to respond to the appeal of a National Red Cross Society in occupied territory, both in view of protecting its funds and of protecting its staff.

(d) The Commission asserts that it is the duty of the Red Cross of the occupying Power to intervene with its own Government to ensure the existence and activities of the Red Cross of the occupied country.
4. - Relief Activities by neutral National Societies in behalf of Red Cross Societies of belligerent States.

The Commission endorses the recommendation of the said Study Commission of 1939, as follows:

"The Commission, while paying tribute to the relief work undertaken on many occasions by National Societies in favour of belligerent countries, expresses the hope that this solidarity will develop, and that such mutual assistance shall be provided for, more particularly by the creation of special funds for that purpose." (1)

5. - Coordination of Relief Activities of Neutral Red Cross Societies in behalf of Belligerents.

The Commission endorses the proposal drafted in 1939 by the said Study Commission:

"The Commission is of the opinion that the coordination of relief activities is highly desirable, and that the International Red Cross institutions, acting in agreement in each particular case, should play the part of information and coordination agencies, without trespassing upon the liberty of action of National Societies."

III. - Foundations of the Red Cross in International Law.

1. - The Conference notes the recommendation of the Third Commission, relating to the wording of Articles 10 and 24, and records the fact that these texts are in agreement with those recommended by the First Commission. (See above pages 4 and 6)

2. - The Commission unanimously endorses the recommendation adopted by the XIXth Session of the Board of Governors of the League concerning relations with the United Nations Organization, as follows:

(1) It is understood that the expression "special funds" is to be taken to mean that there are several special funds, and not one single fund.
"The Board of Governors decides to recommend to the General Assembly to draw the attention of the Members of the United Nations Organization to the fact that it is of special and particular interest:

(a) That the Members should encourage and promote the establishment and cooperation of the voluntary national Red Cross and Red Crescent organizations duly authorized;

(b) That the independent and voluntary character of the National Red Cross and Red Crescent Societies should be respected in all and every circumstance, provided that such Societies are recognized by their Governments and exercise their action in conformity with the principles of the Geneva and Hague Conventions and in the humanitarian spirit of the Red Cross;

(c) That the necessary measures should be taken to maintain contact in all circumstances between the National Red Cross and Red Crescent Societies of all countries, in order to secure the carrying out of their humanitarian work."

IV. - Relations of National Societies with the International Committee of the Red Cross.

1. The Commission notes the immensity of the tasks which war imposes upon National Red Cross Societies, as on the International Committee. This implies a considerable increase in their mutual relations, which have been hampered up till now by countless and sometimes insurmountable material difficulties.

In consequence, the Commission endorses unanimously the decisions taken, in this field, by the XIXth Session of the Board of Governors of the League, as follows:

"The Board of Governors, considering that the humanitarian work of the Red Cross would be greatly facilitated, especially during epidemics, natural calamities and war, by:

(a) Special travel facilities for Red Cross personnel when engaged in their official duties, and expeditious granting of travel visas to them;

(b) Special facilities for the transmission of Red Cross correspondence;

(c) Special facilities for the rapid transfer from one country to another of funds to be expended in Red Cross activities;

(d) Special facilities for the rapid movement of Red Cross medical and other relief supplies to stricken and needy peoples;

(e) Special facilities for the exemption of customs duties on Red Cross relief supplies."
"All the above in complete agreement with the Red Cross Society of the country concerned.

"Directs the Secretariat of the League to:

(1) Transmit to the International Committee of the Red Cross a request that provisions for these special facilities be incorporated in amendments to existing treaties and/or proposed new international Conventions; and

(2) Urge National Societies to endeavour to obtain adherence of their respective governments to the above stated principles.

The Commission further endorses the following relevant resolution adopted by the XIXth Session of the Board of Governors of the League.

"The Board of Governors recommends to all Governments that all material of any kind used for Red Cross work, imported for a Red Cross Society or exported by a Red Cross Society, should be free of customs duties".

2.- The Commission unanimously adopted the following resolution:

"It is the opinion of the Commission - in which the International Committee of the Red Cross joins - that to the extent proper and possible, the International Committee should act in countries first only through the National Red Cross Societies, and in any event should inform each National Society direct of all their activities in its country, including their dealings with the Government or any agency thereof".

3.- Relations between the International Committee of the Red Cross and National Red Cross Societies in occupied countries.

The Commission further endorsed the principle of the proposal expressed by the International Committee in their memorandum (1) concerning this question.

Like the International Committee of the Red Cross, the Commission is of opinion that the solution must in the first place be sought in the improvement of relations between Red Cross Societies of occupying and occupied countries.

4.- Delegations of the International Committee and Delegations of National Societies to the Committee.

The Commission further endorsed the opinion expressed by the International Committee in its memorandum (1) concerning the value of Delegations of National Societies to the International Committee of the Red Cross, and of the latter's Delegations abroad.

V.- Constitution and Recognition of National Red Cross Societies

1.- Policy followed by the International Committee during the Second World War.

The Commission approves the policy adopted by the International Committee of the Red Cross in postponing, for the duration of hostilities, all recognition of National Societies, until the international situation should have again become normal.

The Commission expresses its approval of the only exceptions made by the International Committee to the principle of suspending further recognitions in time of war, namely the Irish Red Cross and the Red Cross of Liechtenstein, since these two Societies were founded outside of any situation connected with the war.

The Commission also expresses its approval of the policy of the International Committee of the Red Cross concerning National Red Cross Societies having returned, at the close of hostilities, to their own liberated and independent territories, and having been recognized by their respective Governments, who had also returned to their country.

The Commission considers in fact that there was no need to effect a renewed recognition of these Societies, subject to the reservation that their statutes continue to comply with the conditions of recognition laid down in 1887.

(1) See "Documents", vol. IV, pp.14-15
2.- Conditions of recognition of National Red Cross Societies.

The Commission suggests that a Joint Commission of the International Committee and the League study anew the wording of the twelve conditions hitherto laid down, in order to adapt them to present circumstances.

VI.- Protests of National Red Cross Societies against alleged violations of the humanitarian Conventions.

The Commission is of opinion that the International Committee of the Red Cross should continue to undertake the transmission of the protests they may receive concerning violations of the law of nations or of humanity.

The Commission approves the preliminary conditions expressed by the International Committee of the Red Cross in their memorandum. (1)

VII.- The Red Cross and New Methods of Warfare.

The Commission endorses the text of the International Committee's Circular No. 370 of Sept.5, 1945. (2) It further adopts, with a view to forwarding to the International Committee for discussion by the International Conference, the following resolution:

"The Commission recommends the prohibition of the use of all means of chemical and bacteriological warfare, as well as the employment of atomic energy for purposes of war".

VIII.- The Rôle of the International Committee and its finances.

Following the proposal of the Third Commission, the Conference makes the following decisions:

1.- The Standing of Committee of the International Conference is invited to nominate Commission for the purpose of

(2) Loc. cit., p.25
studying the means of strengthening the effectiveness of the International Committee of the Red Cross.

"The results of the work of this Committee shall be sent to all National Red Cross Societies in due time, so that all the delegates to the next International Red Cross Conference may have a perfect view of the situation, when it is discussed at the said Conference.

"The Conference adopts the following composition of the said Committee, which shall include twelve members, namely:

Eight representatives of National Societies, representing all sections of the world.

Two representatives of the International Committee of the Red Cross.

Two representatives of the League of Red Cross Societies.

"The Conference adopts the principle that a Red Crescent Society shall be represented in this Commission".

2. - The Commission, having heard the report made by the Financial Advisor to the International Committee of the Red Cross, notes the fact that, without awaiting the decision to be made by the next International Red Cross Conference, immediate steps must be taken in order to place the present financial situation of the International Committee on a sound footing; that, for this purpose, it is necessary that funds estimated at 15 million Swiss francs be put at the disposal of the International Committee before the close of the year 1950, in order to cover the present deficit of its war work and to allow it usefully to pursue its traditional activities.

Consequently, National Red Cross Societies are invited to furnish to the International Committee of the Red Cross, by all means at their disposal, and if need be with the support of their Governments and their peoples, an extraordinary contribution of 15 million Swiss francs, of which ten million before the close of 1947.

National Red Cross Societies shall themselves fix their respective participation to this extraordinary contribution.
IX.- Preparation of the Seventeenth International Red Cross Conference.

The Conference accepts with cordial thanks the proposal of the Swedish Red Cross to hold the Seventeenth International Conference at Stockholm, at the end of August 1948.

The Conference draws the attention of the National Red Cross organizing this meeting to matters of procedure, and especially the following:

(a) all documentary material to be sent at least six months in advance, in both official languages;

(b) National Red Cross Societies to be advised beforehand of the number of Commissions foreseen, to allow them to organize their delegations.

D.- QUESTIONS DEALT WITH BY THE CONFERENCE OUTSIDE THE AGENDA DRAFTED BY THE INTERNATIONAL COMMITTEE

1.- Amalgamation of the Conventions relative to Members of Armed Forces and to Civilians.

The Conference abstains from prejudging the number and form of the Convention(s) which will regulate the position of military and civilian war-victims.

2.- Special Commission for the study of new Draft Conventions.

The Conference decides to appoint a Commission which shall remain in close touch with the International Committee of the Red Cross and to which the latter shall submit the texts it has drafted, before transmitting them to other National Societies. This Commission shall be appointed by the Executive Committee of the League.
3.- Proposal of the Czechoslovak Red Cross concerning the dissolution of National Societies by an Occupying Power.

Acting on a proposal by the Czechoslovak Red Cross, the Conference adopted the following resolution.

"In case of dissolution or modification in the executive of a National Red Cross Society recognized by the International Committee of the Red Cross, the International Red Cross shall be previously notified and informed of the reasons leading to this step.

No dissolution can take effect before final decision by the International Red Cross".

4.- Abuse of the Name and Emblem of the Red Cross.

Following a proposal of the American Red Cross, the Conference unanimously adopted the subjoined resolution:

"The Preliminary Conference of National Red Cross Societies, met at Geneva with a view to recommending amendments to the Geneva Conventions, notes with regret that certain signatories to the Geneva Convention of 1929 have failed to prevent the abuse of the name and emblem of the Red Cross, in the manner laid down in Article 28 of the said Convention.

"In consequence, the Conference unanimously demands that such signatories immediately take the steps required for the implementing of the said Article 28. The Conference stresses particularly the need of putting an end, as soon as possible, to the abusive employment of the name and emblem of the Red Cross for commercial or any other unauthorized purpose, no account being held of the time during which such abuse may have been committed".
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