

## Solferino, Dunant and the Geneva Conventions

By Simon W Lee, Australian Red Cross NT Board Member and Chair of IHL Committee

2009 contains two major anniversaries for the International Committee of the Red Cross (ICRC). This year will be the 150th anniversary of the Battle of Solferino, and the 60th anniversary of the adoption of the four Geneva Conventions.

On 24 June 1859, during the War of Italian Unification, Franco-Sardinian forces clashed with Austrian troops near the small town of Solferino in Lombardy, northern Italy. On that day, a citizen of Geneva, Switzerland, Henry Dunant (1828 – 1910), was travelling to meet Napoleon III who was in command of the Franco-Sardinian troops.

Six years before that battle, Dunant had travelled to Algeria to take charge of the Swiss colony of Sétif. He commenced construction of a wheat mill, but could not obtain the land concession that was essential for its operation. After a period of time in Tunisia, Dunant returned to Geneva and decided to approach Napoleon III to obtain the business document required for the land concession.

On the evening after the battle, Dunant arrived in the village of Castiglione where more than 9,000 wounded had taken refuge. In the main church, the Chiesa Maggiore, where thousands were lying unattended, Dunant and the local women strove for several days and nights to give them water, wash and dress their wounds and hand out tobacco, tea and fruit.

The horrors of war and the images of the dead and the dying weighed heavily on his mind. In 1862 Dunant wrote *A Memory of Solferino*. In that work he posed two questions, one which led to the founding of the Red Cross, and the other which formed the basis

of the Geneva Conventions:

“Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers?” (Leading to the establishment of the Red Cross).

To the military authorities of various countries, Dunant questioned whether they could formulate: “...some international principle, sanctioned by a convention and inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded in different European countries?” (Leading to the Geneva Conventions).

Many people are generally aware of the activities of the ICRC and National Red Cross and (later) Red Crescent Societies, but few know much about the founding figure of the Red Cross movement.

Henry Dunant was born in Geneva on 8 May 1828. He came from a devout and charitable Calvinist family. After incomplete secondary schooling, he was apprenticed to a Geneva bank. After his time in Algeria and Tunisia and his memoirs of the Battle of Solferino, Dunant's life took a different direction. His work, *A Memory of Solferino*, translated into virtually all European languages and read by the most influential people at the time, was a great success. One of those influential people was a lawyer from Geneva, Gustave Moynier. Moynier was also the chairman of a local charity. He established a committee of five to study the proposals contained in *A Memory of Solferino*.



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The five members of that committee were Moynier, Dunant, General Guillaume-Henri Dufour, Dr Louis Appia and Dr Théodore Maunoir. The committee was originally called the International Committee for Relief to the Wounded. It soon became the ICRC. Its first meeting was held on 17 February 1863.

It became apparent Dunant's exploits in commerce were not as favourable as his charitable endeavours. His financial affairs floundered, and he was declared bankrupt in 1867. With debt of almost a million Swiss francs, he was financially ruined. He was forced to resign his post as secretary (and also as member) for the International Committee as a result of the scandal that his bankruptcy brought with it.

Dunant moved to Paris, where he was reduced to sleeping on public benches.

At the same time, Empress Eugénie summoned him to the Tuileries Palace to seek his advice on expanding the Geneva Convention to naval warfare. National Red Cross societies appeared across Europe. Dunant was



made an honorary member of the national Red Cross societies of Austria, Holland, Sweden, Prussia and Spain.

During the Franco-Prussian War of 1870, he visited and comforted the wounded brought to Paris. There followed many years of wandering and utter poverty for Dunant: he travelled on foot in Alsace, Germany and Italy and lived off the charity and hospitality of a few friends.

By 1887 he ended up in the Swiss village of Heiden overlooking Lake Constance, where he fell ill. It was by chance that a journalist found Dunant in the local hospice and wrote an article about him. Within a few days the article was published widely throughout Europe and Dunant was once

more brought to the attention of the public. He received messages of sympathy from around the world. In 1901, Dunant received the Nobel Peace Prize.

Henry Dunant died on 30 October 1910. The date of his birth, 8 May, is celebrated as World Red Cross and Red Crescent Day.

To date there have been 98 treaties, conventions, declarations, protocols and other legal documents regulating the conduct of warfare.

The four Geneva Conventions adopted on 12 August 1949 represent the culmination of the diplomatic conferences held in Geneva between April and August 1949. The diplomatic conferences commenced in 1864 and improved

upon the Geneva Conventions from that year until 1949. The authentic texts are in the English and French languages.

Sequentially each Convention's subject matter is as follows:

GC1: Wounded and Sick in Armed Forces in the Field;

GC2: Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;

GC3: Prisoners of War; and

GC4: Civilian Persons in Time of War.

The most recent convention was the Convention on Cluster Munitions which was adopted on 30 May 2008.

## CDU GDLP changes

Charles Darwin University (CDU) has announced plans to close down the CDU-ANU GDLP Course from 1 July 2009, scale back the number of electives offered in the law course and cut down the law unit requirements in the undergraduate law course.

The Law Society Northern Territory is in discussions with CDU about these issues, having written to the Chief Magistrate, Attorney-General and Vice-Chancellor. The Society is also considering a co-badged GDLP course to be offered in conjunction with ANU legal workshop.

A forum hosted by the Law Society is to be held on 31 March 2009 to discuss these proposed changes.



**The RAAF Legal Reserve has vacancies for reserve legal officers who reside in the Darwin area to provide legal support primarily to RAAF Darwin.**

RAAF Reserve Legal Officers undertake a wide variety of legal tasks, some of them rarely encountered by their civilian counterparts. Practice areas are in Operations Law (a sub-set of public international law), Military Discipline Law and Military Administrative Law (particularly administrative inquiry work). Full training is provided at Commonwealth expense.

Reserve Legal Officers also provide civil law advice and provide legal aid to military members and advice to commanding officers.

Entry into the RAAF Specialist (Legal) Reserve is by selection to fill available vacancies.

RAAF Specialist (Legal) Reserve members on part-time service are paid at a daily rate of pay which is tax-free. Salary will continue to increase based on Competency Level, rank and the number of years of service completed in that rank.

Contact officer is Wing Commander Don Malcolmson (02 6266 3702). Expressions of interest (including a CV) should be sent electronically to [don.malcolmson@defence.gov.au](mailto:don.malcolmson@defence.gov.au) by Thursday 30<sup>th</sup> April 2009.