

THE FUNDAMENTAL PRINCIPLES
OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT

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HUMANITY
FOR ALL

THE INTERNATIONAL
RED CROSS AND RED CRESCENT MOVEMENT

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HAUPT

CHAPTER III

THE FUNDAMENTAL PRINCIPLES
OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT*1. The history of the Movement's doctrine*

Although the origin of the Red Cross is not based on abstract principles, but on the *spontaneous action* of the people who, on the battlefield of Solferino in June 1859, came to the aid of the wounded and dying, a search was made early on for guidelines and *principles*, for the humanitarian Movement to be created. The first definitions are to be found in Henry Dunant's "A Memory of Solferino" (1862), in the decisions of the 1863 Conference and in the "Geneva Convention for the amelioration of the condition of the wounded in armies in the field" concluded in 1864. In the 1863 decisions, provision is made for the establishment in *each* country of a *national* committee whose duty it shall be to assist the army medical services by, in the first place, making available well trained *voluntary* personnel. The decisions of the founding Conference already envisaged exchanges, cooperation and assistance between the national societies, in other words an attitude of *solidarity*. The first Geneva Convention makes the postulate of the *neutralization* of medical aid a reality and in the sense of the principles of *impartiality* and *non-discrimination* lays down that "wounded or sick combatants, to whatever nation they may belong, shall be collected and cared for".

Gustave Moynier, joint founder of the Red Cross and from 1864 to 1910 President of the "International Committee for Aid to Wounded Soldiers" and (since 1875) the "International Committee of the Red Cross" (ICRC), gave special attention to the in-depth wording of the principles of the Red Cross and the creation of a doctrine of the Red Cross Movement. Moynier distinguished between essential principles such as universality and non-discrimination and principles of action, such as the management in a

country of its one and only National Society by a central body, the extension of the activities of National Societies to the whole territory of the State, preparation already in peacetime for intervention in the event of war, perhaps through relief actions in the case of natural disasters or the preparation of relief for foreign countries in the spirit of international solidarity. The principles set forth in articles, writings and reports were in the course of the years discussed by International Conferences of the Red Cross and laid down in resolutions.¹

The year 1921 was a milestone in the development of Red Cross doctrine. The International Committee of the Red Cross (ICRC) for the first time included in its revised statutes a kind of "Summary of Fundamental Principles" and gave itself the task of upholding these principles in the Red Cross Movement. In the "Summary" four principles were mentioned, namely: "the impartiality, the political, religious and economic independence, the universality of the Red Cross and the equality of the National Red Cross Societies". In the same year, the Xth International Conference of the Red Cross in Geneva adopted a resolution in which it was laid down: "The Conference approves the activity of the International Committee in peacetime. It recognizes the Committee as the guardian and propagator of the fundamental, moral and legal principles of the organization and appoints it to watch over their dissemination and application throughout the world".²

The Statutes of the *International Red Cross* drawn up in 1928, aiming at delimiting and coordinating the activities of the ICRC and those of the League of Red Cross Societies established in 1919, defined the ICRC as the guardian of the Red Cross Principles. On the occasion of a partial revision of the Statutes in 1952 the summary of the fundamental principles drafted in 1921 was in addition included.

At Oxford in 1946 the Board of Governors of the League of Red Cross Societies – apparently without prior consultation with the ICRC – adopted a declaration of Fundamental Principles. Thirteen further principles were added to the four accepted in 1921; in addition there were six "Application of Principles".³ The Declaration of Oxford comprises in addition to the Principles such as "to supplement official services" (auxiliary), "voluntary" (voluntary service) or "be organized on a truly democratic basis" (demo-

1 See *André Durand*, "Quelques remarques sur l'élaboration des principes de la Croix-Rouge chez Gustave Moynier" in: "Studies and Essays on International Humanitarian Law and Red Cross Principles, in honour of Jean Pictet", Geneva – The Hague 1984, pp. 861–873.

2 Here and for the following see: *Jean-Luc Blondel*, "Etude sur les Principes fondamentaux de la Croix-Rouge; aperçu historique", Doc. ICRC, 1987; *Jacques Meurant* "Principes fondamentaux de la Croix-Rouge et humanitarisme moderne", in: Studies and Essays .. (footnote 1), pp. 893–911; *Jacques Moreillon* "Du bon usage de quelques principes fondamentaux de la Croix-Rouge" in Studies and Essays ... (footnote 1), pp. 913–923; *Jean Pictet*, "Red Cross Principles", Geneva 1956.

3 See *International Red Cross Handbook*, 9th edition, 1951, pp. 399–400

cratic organisation) a *programme of action* for the post-war period, in which for example disaster relief, combating epidemics, the development of the Junior Red Cross and work for peace are mentioned. The Declaration of Oxford only played a subordinate role in the later efforts made to draft a new version of the Red Cross Principles.

During his terms of office as President of the ICRC (1928–1944) and also in later years *Max Huber* (1874–1960), previously President of the Permanent International Court of Justice in The Hague, many times took a stand on the spiritual and legal basis of Red Cross work and on questions related to Red Cross doctrine. For him the focal point was the *idea of humanity* entailing respect for the human being and his dignity, and assistance to those who suffer without any discrimination. For him the principle of *neutrality* in the spheres of politics, religions and ideologies was especially important as he regarded neutrality as a means to the end of fulfilling the humanitarian mission of the Red Cross and as an attitude, not involving indifference but respect for other convictions and confessions.⁴

The work: “Red Cross Principles” drafted by *Jean Pictet*, at that time Director for General Affairs of the ICRC, was published in 1956. This book, highly praised by Max Huber in a preface, contains a detailed analysis of the until then known elements of a doctrine of the Red Cross, above all however, the draft of an *actual system* of Red Cross principles. Pictet differentiates between “fundamental principles” and “organic principles”, this means to say the basic values and major attitudes on the one hand and principles which concern more organisational or institutional characteristics on the other. According to Pictet the “fundamental principles” comprise: humanity, equality, due proportion, impartiality, neutrality, independence and universality. The “organic principles” consist of selflessness, free service, voluntary service, auxiliarity, autonomy, multitudinism, equality of the National Societies, unity, solidarity and foresight.

The whole Red Cross Movement took keen note of Pictet’s work. The Japanese Red Cross Society published a Japanese translation and proposed that the Red Cross Principles in the order and form proposed by Pictet be proclaimed the official doctrine. This proposal led to the setting up of a Joint ICRC – League commission, which subsequently worked out its own simplified draft and submitted it to the *Standing Commission* of the

⁴ Speeches and Essays of *Max Huber* on the Red Cross doctrine appeared in the two volumes “Rotes Kreuz; Grundsätze und Probleme”, Zürich 1941 and “La pensée et l’action de la Croix-Rouge” CICR, Geneva 1954. Also see Max Huber, selected works, Vol. III “Gesellschaft und Humanität”, Zürich 1948, Vol. IV “Rückblick und Ausblick”, Zürich 1957, “The Good Samaritan”, writing which was published for the first time in 1943 and in which Max Huber disclosed his deepest convictions and his Christian faith, has been translated into several languages. The German original was published in Vol. II of the Selected Works, “Glaube und Kirche”, Zürich 1948.

International Red Cross. In October 1960 this Commission agreed to a new version of the Red Cross Principles. In this respect it agreed to a request from the President of the Alliance of Red Cross and Red Crescent Societies of the USSR that the peace promotion function of the Red Cross be included in the principle of Humanity.

At Prague in October 1961, the Council of Delegates of the International Red Cross unanimously adopted the new version of the Red Cross Principles with only slight amendments. The final adoption and proclamation of the new "Red Cross Charter" was effected in 1965 at Vienna by the *XXth International Conference of the Red Cross*. Thereby not only the ICRC, the League and National Societies had given their approval but also the Governments of the States bound by the Geneva Conventions.

In 1986 the XXVth International Conference of the Red Cross meeting in Geneva adopted an overall revision of the Statutes of the International Red Cross of 1952⁵. The title "International Red Cross" was here replaced by the title "International Red Cross and Red Crescent Movement". The Fundamental Principles of the Red Cross proclaimed in 1965 were confirmed and included in the Preamble of the Statutes whereby the change in title was taken into account. The "Fundamental Principles" are set out in the version in force today in the third section of this chapter and in the annex 3.

2. *The obligatory nature of the Movement's fundamental principles*

Whereas most of the resolutions adopted by International Conferences of the Red Cross only had the character of recommendations or appeals, such as resolutions on particular activities of National Societies, the ICRC and the Federation or resolutions on such matters as disarmament and peace, the decisions on the Red Cross principles have a *binding and obligatory character*. The "Fundamental Principles" are the focal point of the Movement in that they describe its goal, its ethics, its meaning and its special nature. The principles ensure the internal link-up between the Red Cross and Red Crescent Movement covering the world.⁶ The principles proclaimed in 1965 and reduced to the hard core of their very essence enjoy general recognition and are decisive for and guide all the components of

⁵ See "Statutes and Rules of Procedure of the International Red Cross and Red Crescent Movement", International Review of the Red Cross, (No. 256) January - February 1987.

⁶ On 31 December 1992, 153 National Red Cross and Red Crescent Societies belonged to the Movement. On the basis of the Geneva Conventions and of national legislation National Societies are recognised by their respective governments as "voluntary aid societies, auxiliary to the public authorities in the humanitarian field". The international recognition is proclaimed by the ICRC on the basis of the "Conditions for Recognition of National Societies" (Article 4 of the Statutes of the Movement).

the Movement. Here it is important that the seven Principles from the ideal, factual and logical points of view are closely related and form a whole. Only the whole "charter" points out the Movement and gives it its special character or uniqueness.

The new Statutes of the *Movement* adopted by the XXVth International Conference of the Red Cross (Geneva, 1936) clearly brings out the binding character of the principles. A National Society may only be recognised by the ICRC if it respects the Red Cross principles. The ICRC itself – as already in earlier years – is given the role of disseminating and preserving the principles. The Federation also shall fulfill its purpose of promoting National Societies and coordinating their activities, in particular in peacetime, in the context of the principles. The participants in Red Cross and Red Crescent Conferences and the members of the Council of Delegates of the Movement are expressly obliged to respect and maintain the principles during the meetings. New and specially important is the provision that the States parties to the Geneva Conventions have at all times to respect the fact that all components of the Movement are bound by its principles.

The important and binding character of the Red Cross Principles is further brought out in that they are mentioned as norms for the behaviour of National Red Cross and Red Crescent Societies in the First and the Fourth Geneva Conventions of 1949 and in the Additional Protocol I of 1977. Accordingly Article 44 of the First Convention lays down that National Societies may use the name and emblem of the Red Cross or Red Crescent for their activities in *peacetime* provided that they are in conformity with the Red Cross Principles. Article 63 of the Fourth Convention contains the provision that in *occupied territories* National Red Cross or Red Crescent Societies "shall be able to pursue their activities in accordance with Red Cross Principles, as defined by the International Red Cross Conference"; this is of course subject to temporary and exceptional measures imposed for urgent reasons of security by the occupying power. Article 81 of Protocol I relating to the protection of victims of international armed conflicts lays down that the parties to the conflict shall grant to their respective Red Cross or Red Crescent organizations the facilities they need "for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the Fundamental Principles of the Red Cross as formulated by the International Conferences of the Red Cross". The provisions indicating the Red Cross Principles, in particular the "Fundamental Principles" adopted in 1965 and 1986, formulated by the International Conferences of the Red Cross, have so accepted the Principles as part of international humanitarian law and given them more prominence than other conference resolutions.

Although the binding and obligatory character of the Red Cross and Red

Crescent Principles is generally recognised within the Movement, there are – from country to country – or also from world region to world region – *differences* in the understanding, interpretation and practical application of individual principles. This above all applies to the principles of *independence* and *neutrality*. The degree of independence or autonomy of a National Society is dependent on the type of State and Society of the relevant country, and the neutral attitude is made difficult or easier through the internal and foreign policy of the country in question as also through the manifestation of the so called public opinion. Differences in the application of individual Red Cross principles results also from the *structure* of the Movement. The ICRC has another position and function than a National Society and the Federation is differently composed than the ICRC. The *bodies* of the Movement are also differently composed and shaped. Alongside the ICRC, the Federation and National Societies, States parties to the Geneva Conventions also take part in International Conferences of the Red Cross and Red Crescent. Only representatives or members of the components of the Movement take part in the deliberations of the Council of Delegates and the Standing Commission. Despite all differences, all those active in the Movement must endeavour to work towards *agreement* and *unity* in the interpretation and application of the principles. The solidarity, credibility and effectiveness of the Movement depend on this. On the instructions of the Council of Delegates, the ICRC is carrying out studies and consultations where one goal might be to establish *guidelines* for the interpretation and application of the principles in different situations and circumstances.

3. *The seven Fundamental Principles of 1965/1986*

A. **Humanity**

“The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples”.

“Humanity” is the main principle, a guideline and the focal point, it is the soul and spirit of the Red Cross and Red Crescent. Were it intended to condense the Red Cross principles into a single principle or to deduce them from a single principle, this would be the principle of “humanity”. Here the word “humanity” has a twofold meaning. It defines a life-style and

behaviour of man and describes the goal to which this behaviour is directed, namely the human being, man as such. The behaviour of man towards man called for by "humanity" is respect and love from which the will is derived to recognise the fellowman as a unique personality, to be good to him and to do him good, to spare him and to protect him, to help him when he needs help. "You should love your neighbour as yourself". This saying of Christ defines what "humanity" demands of man.

To be understood in its full meaning and significance, the principle of "humanity", should be given a religious or philosophical justification. Within the scope of the Red Cross and Red Crescent Movement, such a justification is not called for from the institutions which must maintain their religious and ideological neutrality and thereby their unity and universality; it is rather a matter for the individual active in the Movement. If the principle of humanity has been given special prominence in Christian teaching it is because it regards man as God's creature and image and infers love of one's neighbour from the love of God.⁷ The idea of humanity should however be deeply rooted in all great religions and world ideologies.⁸ Man as a special creature within creation, man imbued with reason and an ethical responsible personality, who can claim respect for his value and his dignity and who owes his fellowmen such respect, is an *idea* which is accessible to man and peoples to an ever greater extent and ever more becomes their common possession. The idea of *humanity for all*, without prejudicial discrimination due to origin, race, sex or social position, is also the idea which forms the basis of modern *human rights* and which since the Second World War has increasingly assumed a definite form in international declarations and conventions. The recognition of human rights for all is based on the concept that "All human beings are born free and equal in dignity and rights".⁹ It is this image of man which

7 Max Huber in his work "The Good Samaritan" (see footnote 4) has exhaustively presented this parable in the Gospel of St. Luke about the Samaritan who did good to the "man" who had fallen among robbers and thereby showed what Christian love of one's neighbour means and how much the straightforward help of the Samaritan can be an example for Red Cross work. According to the parable "my neighbour" is quite simply the fellowman whoever he may be, but in particular the one who is weak, the oppressed, the pursued and those who suffer. In the Sermon on the Mount Jesus extended love of one's neighbour to love of one's enemy in that he said: "love your enemy and pray for those who pursue you".

8 Jean Pictet writes: "The wellspring of the principle of humanity is in the essence of social morality which can be summed up in a single sentence: *Whatsoever ye would that men should do to you, do ye even so to them*. This fundamental precept can be found, in almost identical form, in all the great religions, Brahminism, Buddhism, Christianity, Confucianism, Islam, Judaism and Taoism. It is also the golden rule of the positivists, who do not commit themselves to any religion but only to the data of experience, in the name of reason alone." ("The Fundamental Principles of the Red Cross. Commentary", p. 33). For the firmly rooted ethical dictates and in particular the dictate of active love of one's neighbour in the great religions of the world see Albert Schweitzer's work: "Das Christentum und die Weltreligionen" /Christianity and the world religions/, Bern, 1948.

9 See Article 1 of the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948.

justifies the claim of men to legally assured fundamental rights and fundamental freedoms.

The principle of “humanity” is introduced by a kind of “historical preamble”, which records the origin and the first goal of the Red Cross: the Samaritan deed of Dunant and his helpers on the battlefield of Solferino and the original and exclusive task of the “International Committee” and National Red Cross Societies, namely to bring assistance to the wounded on the battlefield. Mention is however also made of the *ethical* idea, which was decisive from the beginning, namely the idea of help “*without discrimination*” for the victims on the battlefield, that is to say *help for all*, help for friend and foe. Thereby reference is also made to the “ethical focal point” of the Geneva Convention of 1864 and the fact that “the Red Cross rests, first and last, upon the highest conception of charity, namely charity towards the enemy”.¹⁰

The historical character of the introductory words, which lead to a far broader concept of Red Cross work, does not mean that assistance to war victims belongs to the past and that the Red Cross Movement must give up this original task. As long as peoples fall a prey to armed conflicts and do not succeed in eliminating and eradicating them, protection and assistance *for the victims* remain one of the main tasks not only of the ICRC, but also of National Societies. It would be irresponsible and disastrous if the relevant commitments were ever more undervalued and neglected. Without doubt they are and remain included in the *general humanitarian mission*, as it is worded in the principle of humanity. In the chapters and sections devoted to the ICRC, National Societies and international humanitarian law detailed reference is made to the concrete tasks, rights and duties.

The principle of “humanity” opens a broad and almost incalculable field of action for the Red Cross and Red Crescent Movement. Action is to be taken in the national and international spheres and wherever human suffering may be found. It should be directed not only at the *mitigation* of human suffering, but also at *prevention*. This twofold task is expressed in the words: “its (the Movement’s) purpose is to protect life and health and to ensure respect for the human being”. Prevention of suffering is aimed also at the specially mentioned task of the Movement, namely the promotion of lasting peace amongst all peoples.

The portrayal of such a wide-reaching field of action could be regarded as presumptuous. It must however be taken into account that National Societies are *auxiliaries* of the *authorities*; they have to *support* the authorities in the fulfillment of humanitarian and social welfare tasks. In addition the components of the Movement lay no claim to monopoly status; they are in many respects active *alongside other organizations* and work together with them. The broadly worded definition of the goals of the

¹⁰ See Max Huber, “The Red Cross. Principles and Problems”, ICRC, Geneva [1941], p. 27

Movement, on which its efforts and endeavours are directed, in addition corresponds to the actual development of humanitarian work, as it has been carried out by the ICRC, National Societies and the Federation since the First World War and to a growing extent in aid of the suffering, endangered and underprivileged wherever they may be found (see Chapter II). It will certainly be important that the components of the Movement do not lose themselves in the extensive field of action and so disperse their strength and resources that the quality and effectiveness of the work begins to suffer. The fixing of priorities and keeping to accepted commitments are especially necessary at a time when modernism, activism and opportunism increasingly come into evidence.¹¹

a. The alleviating and preventing of human suffering

The Movement endeavours to *alleviate* and to *prevent human suffering*, wherever it may be found. Pride of place falls to suffering threatening and looming large in *armed conflicts* and *disorders*, in other words suffering imposed on human beings by other human beings. In these exceptional situations the need for protection and assistance is especially great and acute and the intervention of the Red Cross and Red Crescent in aid of the "victims", the wounded, sick, shipwrecked, prisoners, internees, the homeless, the famished and fugitives is indispensable and of the highest moral importance. In armed conflicts the ICRC and National Societies work under the *protective sign* of the Red Cross and Red Crescent and with the backing of *international humanitarian law*. Acute and heavy suffering also occurs in *natural and other disasters*. They often produce a large number of "victims" who need prompt and effective aid from National Societies and their Federation. Whilst in conflicts and disorders protection and assistance are ever and again made complicated by obstacles put in place by man, disaster relief actions are facilitated by the mostly spontaneous and everywhere present desire to help. In recent times large scale solidarity, going beyond the frontiers of countries and continents, has come into evidence in such situations.

Physical and psychic suffering is not only a consequence of exceptional circumstances but also of *life itself*. It accompanies man, just as feeling well

¹¹ In view of the flood of tasks and requests for help facing the ICRC in the Second World War, *Max Huber* wrote in 1942: "Every institution must look first to the fulfillment of the obligation to which it is pledged, and which may therefore justly be demanded of it in all circumstances. If it is a living creation, it will grow steadily towards such new possibilities of action as open out before it, so far as they are compatible with its principles. But there are times when it must renounce its will to act, lest it become enfeebled through scattering its forces, or lose itself in hopeless or fantastic enterprises until at last it cannot even do what is both possible and essential" ("The Good Samaritan", English edition, Victor Gollancz, London 1945, p. 69)

and happiness. It is probably not correct to regard suffering only as the enemy of man as it can help him to mature and achieve a higher way of being. In spite of this man seeks – for himself and for others – to prevent and mitigate suffering. The combating of suffering corresponds to his nature and his will to live, and takes the form of *sympathy* and *compassion* for the suffering fellowman. In this defensive action on a broad front the Red Cross and Red Crescent Movement is fully engaged: it combats sickness, hunger, homelessness, isolation and fear of the prisoner or refugee, the seclusion and loneliness of the elderly and handicapped, the hopelessness of the young. It also alleviates the suffering which man has brought upon himself.

If emergency relief and nursing are in the forefront of the work of the Red Cross and Red Crescent for *the mitigation* of suffering, efforts to *prevent suffering* are increasingly important and essential.¹² Within the Movement they take on many and varied forms: they comprise health education, the promotion of hygiene, vaccination campaigns, the improvement of nutrition and living conditions, protective measures with a view to disasters and armed conflicts and preparation for protective and relief action in emergency situations. Prevention of human suffering on a large scale is *safeguarding of peace* within States and in relations between States. This will be dealt with in Chapter V.

b. Protecting life and health and respecting the human being

The Movement endeavours to protect life and health and ensure respect for the human being. This noble goal especially comes clearly into evidence in *international humanitarian law*, mainly promoted by the International Committee of the Red Cross. From the *Geneva Conventions for the protection of victims of armed conflicts* of 1949, to which at present (01. 01. 1993) 166 States are bound, the following provisions may be indicated:

“Members of the armed forces . . . who are wounded or sick, *shall be respected* in all circumstances. They shall be treated *humanely* and cared for by the Party to the conflict in whose power they may be . . . Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not willfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created”. (Art. 12, First Convention).

¹² *Jean Pictet* writes: “The Proclamation (of Fundamental Principles) correctly emphasizes that the restorative action of the Red Cross must be accompanied by preventive action. The best means of fighting against suffering, after all, is to prevent it from arising, to seek out and eliminate its causes, to nip the evil in the bud. An ounce of prevention is worth a pound of cure, as the common expression has it.” (“The Fundamental Principles of the Red Cross. Commentary”, p. 23)

"Prisoners of war must at all times be *humanely* treated. Any unlawful act or omission by the *Detaining Power* causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, . . . treatment of the prisoner concerned and carried out in his interest" (Art. 13, Third Convention).

"Prisoners of war are entitled in all circumstances to respect for their persons and their honour". (Art. 14, Third Convention). They "must at all times be *protected*, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited". (Art. 13, Third Convention).

The Fourth Convention covers the *protection of civilian persons*. Protection shall be accorded to those persons who in the event of a conflict or of an occupation are in the power of a Party to the conflict or of an Occupying Power of which they are not citizens. The Convention states:

"Protected persons are entitled, in all circumstances, to *respect for their persons*, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be *humanely treated* and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault". (Art. 27).

"No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties". (Art. 31).

"The High Contracting Parties" . . . are "prohibited from taking any measures of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents" (Art. 32).

The Geneva Conventions strengthen the *protection* they provide to members of the armed forces no longer participating in the conflict and to civilian persons not involved in the hostilities, through many provisions, having the effect of *preserving* and *protecting* those persons, means and installations in the service of the protection and relief activities and the control of the application of the Conventions. The provisions above all contained in the *Additional Protocols of 1977* are of the greatest importance for the protection of life. These provisions set limits to the waging of war and prohibit attacks against the *civilian population* as such and the use

of means of combat which are not directed against a given military target and whose effects cannot be kept in bounds.¹³

The protection of life and health and respect for the human being are a basic theme and major goal of *all* the work done by the Red Cross and Red Crescent Movement. All endeavours to alleviate and prevent human suffering are directed at this major goal. Outside the field of application of International Humanitarian Law, *human rights* as defined in regional and universal *conventions* gain growing importance as the ideal and legal basis also for the activities of the Movement. Reference may be made to the *right to live* to which everybody is entitled,¹⁴ to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, to the prohibition of slavery or to the obligation to treat *prisoners* humanely and with *respect for the dignity inherent in man*.¹⁵ When delegates of the International Committee of the Red Cross visit “political” or “security” detainees and intervene for humane conditions of detention, they act in the sense of the Red Cross Principle of “Humanity” and in the sense of Human Rights as defined in modern international law. But *social rights* may also be important for the work of the Movement, for the protection of life and health and for the purpose of respect for the human being, such as the right of all to the *highest degree of bodily and mental health*, the right to *education* in the service of the full development of the human personality or the right of each person to an *appropriate standard of living* for himself and his family, including sufficient food, clothing and accommodation.¹⁶ The work of all members of the Movement contributes to the materialisation of these social rights, although often only in specific circumstances or by sector.¹⁷

13 See the detailed presentation in Chapter IV devoted to International Humanitarian Law.

14 The right to live is the highest human right from which all other rights of man are derived. *Albert Schweitzer* (1875–1965) has in his life’s work as theologian, musician and physician working in the African bush justified this right with the ethical concept of “*respect for Life*”. It is based on the most direct fact of human consciousness, which reads: “I am life, surrounded by life, which desires to live”. All will to life should be shown the same respect for life as if it were one’s own. It is good: “to preserve life, to promote life, to bring developing life to its highest value; it is bad: to destroy life, to damage life and hold down developing life”. Albert Schweitzer regards respect for life as “the absolute basic principle of ethics always to be kept in mind”. See “*Albert Schweitzer; sein Denken und sein Weg*” (*Albert Schweitzer; His philosophy and his way*). Published by H.W. Bähr, Tübingen, 1962.

15 See “International Covenant on Civil and Political Rights” of 16 December 1966, Articles 6, 7, 8 and 10.

16 See the “International Covenant on Economic, Social and Cultural Rights” of 16 December 1966, Articles 11, 12 and 13.

17 For fuller details on the relationship of the Red Cross and Red Crescent Movement to Human Rights, see Chapter VII.

c. Working towards international cooperation and a lasting peace

The wording of the Principle of “Humanity” closes with the sentence: “It (the Movement) promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples”. This sentence brings out that the Movement does not restrict itself to the alleviation of suffering, but also wants to *prevent* suffering. Armed conflicts between States and within States, in fact use of force of any kind are one of the main causes of human suffering and a predominant danger to life and health. Peace is just the opposite, above all peace in freedom and justice, a basic condition for the development of “humanity”, for a limitation, prevention and mitigation of human suffering and for a life in which human dignity is respected. In peacetime the idea of humanity of the Red Cross and Red Crescent Movement comes into full display.

The fact that the task of peace promotion is included in the principle of “Humanity” brings out that the contribution of the Movement to mutual understanding, friendship, cooperation and lasting peace emerges from its “humanity” and humanitarian work. The endeavours of the Movement for peace may not lead its components into political controversy, taking of sides and fights for power. It must fulfill the humanitarian mission in full respect for the principles of the Movement. Appropriately the Statutes of 1986 lay down that the Movement tries to promote lasting peace by its humanitarian activities and the dissemination of its ideals. This is the meaning of the motto adopted by the Federation of Red Cross Societies in 1961: “*Per humanitatem ad pacem*”. The motto was included in the Statutes of the Movement alongside the classical motto: “*Inter arma caritas*”.¹⁸

B. Impartiality

“The Movement makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress”.

The principle of Impartiality comprises in the above definition three elements: the recognition of *equality* of men, the duty of *equal treatment* derived therefrom, due *proportion* or *appropriate relief* all without favour or prejudice. In his work “Red Cross Principles” (1956) Jean Pictet made a clear difference between these three elements and expressed them as individual principles (equality, due proportion, impartiality). In the 1965

¹⁸ For further details see Chapter V: The Red Cross and Red Crescent Movement as a factor of peace.

version the elements “equal treatment”, “non-discrimination” and “due proportion” clearly come to the fore, whereas “impartiality” as the attitude or approach of the institutions and staff of the Red Cross and Red Crescent Movement is at the most implied but not defined. Despite this the principle – not quite appropriately – is placed under the title “Impartiality”.

a. Equality of human beings and equal treatment

The recognition of *the equality of men* is based on the picture of man which determines “the humanity” of the Red Cross and Red Crescent Movement. Man is understood as a special being within creation, as a *person* who has reason, morality, responsibility and love and who therefore has unconditional value and dignity. Value and dignity are given to each man at birth. “All human beings are born free and *equal* in dignity and rights.” (Universal Declaration of Human Rights of 1948). *Every* man has human dignity quite apart from the fact that men are *different*, different as to race, colour, language, sex, different also with regard to their faith, philosophy of life, political convictions and leaning, their social origin and position, their education and culture, their knowledge and ability just as the individuality of their character. Human dignity is a common feature of *all* men. It springs from the dignity of creation; it can be marred by men through their thinking and their activities, but cannot be destroyed.¹⁹

Throughout thousands of years a long, fissured and ever again blocked path leads to the recognition of the equality of men. Even though slavery and the slave trade as the extreme form of inequality between people may in our time be considered as eliminated, race equality or sex equality has in many countries even today neither been fully recognised nor fully ensured. In addition there are still minorities which because of their religion, ethnic belonging or political convictions are persecuted or discriminated against. And even today hundreds of millions of people live in misery and poverty, whilst others enjoy welfare, social security and often even affluence. We are still far from a position where human dignity is everywhere respected and actually cherished.

And yet in the last decades there has been considerable progress. In the national legislation of many States and in international law agreements *human rights* have been defined which may be divided into “civil and political rights” and “economic, social and cultural rights”. The States bound by international law agreements are obliged to respect the defined rights and put them into effect for *all those* in their territory and in their

¹⁹ *Jean Pictet* writes: “There are, too, various religions whose followers consider that men are brothers, being children of the same Father and called by the same destiny and to the same salvation”. (“Red Cross Principles”, ICRC, Geneva 1956 p. 33).

power without discrimination as to race, colour, sex, language, religion, political or other convictions, national or social origin, property, birth or any other status.²⁰ This *comprehensive dictate of equal treatment and comprehensive prohibition* of according preference or applying *discrimination* in ensuring human rights is a major feature of modern international law and must be regarded as an achievement of the greatest importance. The task facing us today consists of putting the achievement of the prohibition of discrimination into actual effect through its breakthrough in real life.

As already mentioned, the idea of equal treatment or non-discrimination in respect of war victims has already played a central role since the early days of the Red Cross. Dunant and his helpers gave their attention on the battlefield of Solferino to all wounded and dying regardless of which party to the conflict they belonged to. In the Geneva Convention of 1864 it was laid down that wounded or sick combatants, "to whatever nation they may belong", shall be collected and cared for. In the four Geneva Conventions of 1949 on the protection of victims of armed conflicts and in the two Additional Protocols of 1977 there are comprehensive equal treatment dictates or discrimination prohibitions, which apply both in international and inner-state armed conflicts. For example, Art. 12 of the First Convention specifies that the wounded or sick members of the armed forces are to be treated and cared for with humanity "*without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria*". Article 16 of the Third Convention lays down that – taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications – "*all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction, based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria*". In Art. 27 of the Fourth Convention relative to the protection of civilian persons in time of war it is specified that – without prejudice to the provisions relating to their state of health, age and sex – *all protected persons* shall be treated with the same consideration by the parties to the conflict in whose power they are, "*without any adverse distinction based, in particular, on race, religion or political opinion.*" Finally Article 75 of Additional Protocol I comprises a list of fundamental guarantees which all persons in the power of a party to the conflict should enjoy, as a minimum, "*without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.*"

²⁰ See Art. 2 of the "International Covenant on Civil and Political Rights" of 16 December 1966; similar prohibition of discrimination is to be found in other universal or regional conventions on human rights.

The dictate of equal treatment defined in the principle of Impartiality refers to all the protective, relief and care activities of the components of the Red Cross and Red Crescent Movement, whether they be carried out in armed conflicts and disorders or in normal circumstances in time of peace. The suffering individual shall receive protection, relief and care in equal measure and in an equal way, without any disadvantageous, irrelevant and thereby discriminatory differences. The distinctive features expressly mentioned in the principle of "Impartiality" certainly only had the character of examples. The list is not exhaustive and can be supplemented by the characteristics indicated in the Geneva Conventions and Additional Protocols. The lists there are also not complete as they forbid discrimination on the basis of "other similar criteria."

b. Proportional relief

Alongside the dictate of equal treatment or the prohibition of discrimination, the principle of Impartiality cites the precept of *due proportion*. In their relief actions the institutions of the Red Cross and Red Crescent should endeavour to take into account the measure of the need and to give priority to the most urgent cases. The greatest need shall be met with the greatest relief. The most urgent need shall receive the quickest help. The weak and endangered, such as the sick, children, pregnant women and old people shall be given preference over the healthy and strong. Protection, relief and care shall thereby not be schematic but shall *comparatively* be adapted to the real needs. This adjustment is not only based on *intuitive humanity* but also on the factor of *justice*. Justice demands that only the same case shall be treated in the same way and the different case shall be treated differently. It is decisive that different treatment has actual, objective and humanitarian causes and corresponds to the sense of the relief activities. Strict care must be taken not only to border on to but go over to discrimination.

The *Geneva Conventions* provide in several provisions, which are often linked to the prohibition of discrimination, for *preference being given* to particular persons in treatment and relief. In the already mentioned Article 12 of the First Convention reference is made to the fact that only "urgent medical reasons" will authorise priority in the order of treatment to be administered to the wounded and sick. In the Third Convention on the treatment of prisoners of war mention is made of preference being given on the basis of sex, state of health, age or professional qualifications. Similar preference is provided for in the Fourth Convention relative to the protection of civilian persons, such as the wounded, sick and infirm, pregnant women and mothers of young children or of children under the age of 15. The preferential treatment foreseen in the Conventions is not discrimina-

tion as justified by the measure of suffering and the need for relief of the individual. It is aimed at appropriate and also justified protection and assistance.

Preferential treatment for individuals or groups of persons can become necessary when the means available for relief are limited and *all* those in need cannot be helped with the best will in the world. In such cases a choice must be made, which again has to be based on actual criteria and may not resemble any discrimination. In the Second World War for example the ICRC gave its protection and assistance in the first place to *prisoners of war*, as there was a legal basis for this, the needs were proved and relief resources and possibilities were available. In the Second World War and the first years after the war the Swiss Red Cross concentrated on assistance to sick and endangered *children* in view of the immeasurable human needs and its limited resources. Also within an action for a given group of people a choice and preference may be unavoidable for example when a medicament or foodstuff is only available in small quantities and thus may only be given to a few selected individuals – on the basis of medico-social indications.

The dictate of equal treatment and proportional assistance cannot always be put into practice because the funds and relief supplies made available are often *earmarked* meaning that only a part of the needs are met. In the Second World War Governments and National Societies put enormous quantities of relief packages at the disposal of the ICRC for distribution to prisoners of war of their own nationality, whereas prisoners of other nationalities had nothing. In the case of natural or other disasters *the result of collections* varies and is not always adapted to the real needs. There are cases where surpluses with a given relief supply arise and cases where there are shortages. It is the task of the Red Cross and Red Crescent Movement to see to achieving *a balance* where there are serious inequalities in the relief action by mobilising new donors or using non-earmarked resources. Modern media can give valuable support to such endeavours.

Equal treatment to those in need and proportional relief can be hampered or made impossible by parties to the conflict. In the *Vietnam war* in the sixties North Vietnam virtually completely shut itself off from the relief action of the International Red Cross meaning that Red Cross assistance could only be given in the south of the country, but on an intensive scale. In the *war of Secession in Nigeria* (1967–1970) – where the ICRC with the help of National Societies undertook a major action – this action was ever and again impeded by Government measures whereby proportional assistance corresponding to the needs, in particular in the secession area (Biafra) was made difficult and sometimes impossible. The relief action for the victims of the *Afghan conflict* (since 1978) went on for several years above all for refugees and the war wounded in the territory of Pakistan or in the nearby

frontier area because the Kabul Government prevented the ever and again proposed and attempted relief action in the area controlled by it. Also in the war between *Iran and Iraq* (1980–1988) international humanitarian law was disregarded and protection and assistance of the ICRC was repeatedly impeded whereby the help for prisoners of war and civilian persons could only in part meet the needs despite the greatest efforts.²¹

c. *Impartiality*

With the definition of the principles of equal treatment or non-discrimination and due proportion of protection and assistance the major features for the work of the Red Cross and Red Crescent Movement have in fact been laid down and it may be wondered whether an additional element, namely “Impartiality”, is necessary. The question must however be answered in the affirmative as impartiality is that spiritual approach and that attitude, which guarantee the *correct application* of the relevant principle. Impartiality is the opposite of taking sides. It signifies lack of bias, freedom from prejudices, freedom from allegiances to parties, namely parties to a war or conflict, freedom from sympathies and antipathies, love instead of partiality. Impartiality is an attitude which calls for standing above and even wisdom. Impartiality may under given circumstances require of those active in the Movement self-conquest and self-denial. This applies above all to National Societies and the medical services of countries at war or beset by internal disorders as during the war, especially during internal conflicts, partiality, passion and hatred are very much in evidence. The impartiality of the Movement must hold good in the very area of tension of a conflict, there where other help is of no avail, there where regular and comparative provision of protection and assistance to the victims is surrounded by indifference, disapprobation and enmity. It is this unconditional, all-embracing and paradoxical willingness to help, a willingness to help even the foe, which constitutes the special character and the greatness of the Red Cross and Red Crescent Movement.²²

The attitude of impartiality is important at all times and for every assistance and care given by the Movement; it is a major prerequisite for keeping to the principle of equal treatment, non-discrimination and due proportion of the assistance. In the event of conflicts it poses supreme requirements for those members of National Societies of countries affected by the conflict or itself a party to the conflict, requirements which cannot

21 See the description of protection and assistance of the ICRC in Nigeria and in Iraq and Iran in Chapter II, 1, D, a.

22 *Jean Pictet* writes: “. . . the Red Cross goes so far as to say to the unfortunate: ‘I love you because nobody loves you; I love you because you are hated’” (“Red Cross Principles”, p. 45).

always be met. In conflicts and disorders the National Societies of the affected countries can scarcely keep completely free from the spiritual attitude and intensive propaganda prevailing in that country. Often they also lack accurate information permitting objective judgement and facilitating the application of impartiality. Under these circumstances it is necessary to have the intervention of components of the Movement who are *not involved* and from whom a strictly impartial attitude may be expected. In the first place it is a question of the *International Committee of the Red Cross*, which is defined in the Geneva Conventions as an “impartial humanitarian organization” and as an organization which “offers all guarantees of *impartiality* and efficacy”. Also came into consideration the National Red Cross or Red Crescent Societies of *neutral* or other states *not participating* in the conflict as they may make medical units available to warring parties, help to take care of prisoners and undertake relief actions for the civilian population.²³

C. Neutrality

“In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.”

a. *The universally recognised substance of the concept of neutrality. Relations with other Fundamental Principles of the Movement*

The word “neutral” comes from the Latin *ne-uter* and means: neither one thing nor the other.²⁴ An institution or a movement is neutral when it *renounces* to participate in a conflict or altercation and *abstains* from any interference. Renunciation of participation and abstaining from interference can have various reasons: it may be a question of the will of self-preservation and self-assertion, of the judgement that good and bad, true

²³ In respect of medical interventions of National Societies of neutral or other states not parties to the conflict, see Articles 27 and 32 of the First Geneva Convention and para. 2 of Article 9 of Additional Protocol I.

²⁴ For the comments in this section see apart from the writings of Jean Pictet in particular: *Marion Harhoff-Tavel*, “Neutrality and Impartiality – The importance of these principles for the International Red Cross and Red Crescent Movement and the difficulties involved in applying them”, *International Review of the Red Cross*, November-December 1989 (No. 273, pp. 536–552); *Max Huber*, “The Red Cross and neutrality” in: *The Red Cross. Principles and Problems*, Lausanne [1941]; *Dietrich Schindler*, “Die Neutralität des Roten Kreuzes” /The Neutrality of the Red Cross/, in: *Des Menschen Recht zwischen Freiheit und Verantwortung*, Festschrift für Karl Josef Partsch (Human Rights between freedom and responsibility, commemorative work for Karl Josef Partsch), Berlin 1989, pp. 141–152.

and false are to be found on both sides, of holding back in the interests of a higher purpose or a special task. Neutrality may however have its origin in indifference, fear and cowardice. Neutrality in itself is therefore not a virtue.

The *motivation* of the principle of neutrality is the Movement abstaining from any participation in hostilities and at all times in controversies of a political, racial, religious or ideological nature in order to continue to enjoy the *confidence of all*. This motivation is clearly well founded: those who take sides or interfere may estrange or deceive one side or the other, push them away and lose their confidence. States or economic powers may stand losses of confidence but for the Red Cross and Red Crescent Movement, which lacks the resource of power, the retention of the confidence of all is essential for the fulfillment of its humanitarian mission. Only where there is general confidence, confidence of the authorities and the population, can the institutions of the Movement have unimpeded access to conflict and disaster victims and obtain the necessary support for their protection and assistance activities. In respect of the ICRC the confidence of the governments of States bound to the Geneva Conventions is probably the most important requirement for its work in the event of armed conflicts, disorders and situations of tension. However, confidence is also needed by the Federation for its international disaster relief actions and its development aid to National Societies. And the National Red Cross and Red Crescent Societies can only constructively operate with the authorities of their countries and be active in the whole territory for all inhabitants, if they enjoy the confidence of many people in all sections of the community. Confidence is the spiritual power, through which the Movement lives, grows and works.

Adherence to neutrality is meant to create and maintain confidence. It is however also a means of ensuring the *unity and universality of the Movement*. Every disregard of neutrality, every taking of sides in hostilities or participation in controversies of a political, racial, religious or ideological nature, leads to tension, contradictions, fissures and divisions within National Societies and within the whole Movement. Like general confidence, the unity and universality of the Movement are also the basic condition for world-wide impartial and efficient humanitarian activities. If the Movement is to be a *world community*, which comes to the assistance of suffering people everywhere and at all times and which – as is mentioned in the principle of “Humanity” – promotes “mutual understanding, friendship, cooperation and lasting peace amongst all people”, it must strictly follow the precept of neutrality in the event of armed conflicts and observe it loyally also in the case of controversies in peacetime.²⁵

²⁵ Jean Pictet regards the maintenance of the unity of the Red Cross Movement (alongside keeping general confidence) as a second reason for the justification of the neutrality of the

The principle of Neutrality obliges the Movement and its components (in the first place) to refrain from *participating in hostilities*. The concept refers in particular to hostile acts in the event of international or internal armed conflict to which international humanitarian law applies. "Hostile acts" are acts which do harm to a party to the conflict. In the contemporary armed conflict these include not only military acts in the narrower sense (for example participation in the transport of weapons and munitions, in the military news service and in military observation), but also acts in the sphere of economic or ideological warfare. The term "hostile acts" is in addition related to situations not covered by international humanitarian law, such as disorders and tension within the State where a government is confronted by rebels or opposition groups and where at least sporadically force is used.

Refraining from any participation in hostilities is for all components of the Movement (ICRC, National Societies and Federation) an absolute rule which must be strictly observed. It is the *corollary* of the *immunity* accorded to the Red Cross and Red Crescent organizations, that is to say protection to which they can lay claim on the basis of international humanitarian law and autonomous Red Cross regulations, Statutes of the Movement and resolutions of the Red Cross Conferences. Refraining from any participation in hostilities is also the corollary of the protection which the *emblem* of the Red Cross or Red Crescent provides to the components of the Movement for their activities under international humanitarian law and the principles of the Movement.

The second major aspect of neutrality is the rule to abstain at all times from participation in *controversies of a political, racial, religious or ideological nature*. These four concepts cover spheres which in principle lie outside the mission of the Movement. Above all the Movement has an apolitical character – it has not been created and is not called upon to have an influence on the establishment of the system of law and society and to participate in the fight for power within states and in the world of states.²⁶ The Movement is also not tied to religions or churches although its idea of humanity is also rooted in religious doctrines. The emblems of the Red Cross and Red Crescent are not religious symbols. By no means does the Movement have a racial orientation. It keeps away from race hatred or racialism as its thinking and action is centered on respect for the human being and assistance to those who suffer without any discrimination.

Red Cross. He proposes when revising the principle of neutrality to word it as follows "in order to continue to enjoy the confidence of all and to maintain its unity..." see "The Fundamental Principles of the Red Cross; Commentary", Henry Dunant Institute, Geneva 1979, p. 54.

²⁶ Jean Pictet writes: "It is above all with regard to politics, both national and international, that neutrality must be observed. Let Red Cross institutions beware of having anything to do with politics! Their very existence depends on this." ("Red Cross Principles", p. 67).

Finally the Movement does not depend on any ideology, that means to say that it is not tied to any philosophical or ideological system but to its own ideals of willingness to help within the scope of unselfish humanity.

In an individual case it is not always easy to define where abstention is called for and where participation is permitted and perhaps even a duty. The difficulty stems from the fact that the Red Cross and Red Crescent Movement is based on the idea of humanity and has a humanitarian mission to fulfil. Adherence to the idea of humanity and the constructive fulfillment of the humanitarian mission may call for taking a stand on *humanitarian questions*, even though these are controversial and also have political or ideological aspects. Through their neutrality the components of the Red Cross are *not neutralized* in respect of *humanitarian* issues. They are not condemned to just "sitting still". Taking a stand is legitimate if it is effected on questions linked to the Movement's sphere of action and responsibility, such as the application and implementation of international humanitarian law, the ratification of the Protocols additional to the Geneva Conventions, asylum and refugee policy or respect of fundamental human rights, involving for instance the prohibition of torture and inhuman treatment of persons deprived of their freedom.

Whether the components of the Movement by taking a stand on controversial humanitarian questions run the risk of losing general confidence and internal unity, depends to a considerable extent on the *form of action* selected. A direct and for the most part discreet approach to the responsible authorities is most likely to be in line with the special position of the ICRC and also that of National Societies. The public taking of a stand or an appeal to the population only comes into consideration when direct intervention has failed. Participation in demonstrations – which are arranged by other organisations or groups, above all those with political or ideological goals – is to be excluded. The components of the Movement must remain independent and make their own voice heard.

There is a relationship between the principle of Neutrality and other principles of the Movement, namely – as already indicated – the principles of Unity and Universality and above all the principles of *Independence and Impartiality*. The independence or autonomy of Red Cross and Red Crescent organisations vis-à-vis States, international organisations, political parties, churches and economic powers is a basic condition of neutrality. The more independence is definite and strong, the greater are the possibilities and guarantees for a neutral approach. The relationship between neutrality and impartiality is evident. A neutral movement, which refrains from participating in conflicts and controversies, is ready and in a position to give its whole attention to the suffering individual and help him in proportion to his suffering without a secondary purpose and without discrimination. Active, all round and impartial readiness to help taking the true needs into account stems from renunciation and abstention.

b. The specific neutrality of the International Committee of the Red Cross

In the 1986 Statutes of the Movement (Article 5) the ICRC is defined as “an independent humanitarian organization”, which – as an association established under Swiss law – co-opts its members from among Swiss citizens. Following the listing of the main tasks of the ICRC, it is laid down that it may take any humanitarian initiative which comes within its role as a *specifically neutral and independent institution and intermediary*.²⁷ In the Geneva Conventions of 1949 the ICRC is defined as an “impartial humanitarian organization”.

The “specific neutrality” of the ICRC is based on the one hand on the also “specific” independence of the institution and on the other on its Swiss character. The ICRC is specifically independent as its members (at the most 25) are co-opted, that is to say they are not elected by an authority (e.g. the Swiss Federal Council) or by a higher assembly (e.g. the International Conference of the Red Cross and Red Crescent). Accordingly the ICRC does not come under and is not responsible to any electoral authority. In addition neither the Swiss authorities – which provide a large part of the funds needed by the ICRC – nor the authorities of other States or National Societies have a decisive influence on the activities of the ICRC. The *Swiss character* of the ICRC is due to the fact that all the members of the Committee and the majority of the staff are of Swiss nationality. In addition since its foundation in 1863 the ICRC has had its headquarters in Geneva. The institution is therefore closely linked to the Swiss Confederation, that is to say to a State, whose position in the world has for a long time been characterised by an internationally recognized *status of permanent neutrality*.²⁸

The specific neutrality of the ICRC is a basic condition for its humanitarian work as this is done in the event of international or internal conflicts or in the case of internal disorders and tension. Through its delegates the ICRC is “in the field” as a “specifically neutral intermediary” *between* the parties to the conflict or between a government and rebel groups with the sole aim of giving protection and assistance to the *victims* (the wounded,

27 The same definitions are to be found in the ICRC's own Statutes. The version in force is dated 2 March 1991. For the special character of the ICRC see in particular: *André Durand*, “Le Comité international de la Croix-Rouge” (The International Committee of the Red Cross), Centre de recherches européennes, Lausanne 1980; *Jean Pictet*, “Une institution unique en son genre: le Comité international de la Croix-Rouge”, Henry Dunant Institute/Pedone, Geneva/Paris 1985. In addition see Chapter II, Section 1.

28 For the permanent neutrality of states, above all also the neutrality of Switzerland, see the essay by *Dietrich Schindler* in “Handbuch der schweizerischen Aussenpolitik” / the handbook of Swiss Foreign Policy, Bern and Stuttgart 1975, pp. 159–180. Further see by the same author, “Aspects contemporains de la neutralité”, Académie de droit international, Recueil des cours / Contemporary aspects of neutrality/, Academy of International Law, Compendium of Courses, Vol. II, Leiden, 1967, pp. 225–319.

sick, prisoners, internees, the deported, refugees, the homeless, the hungry, etc.) without any discrimination. Only strict neutrality, giving rise to general confidence, makes the protection and assistance activities possible. Specific neutrality is however also indispensable for the other work of the ICRC, such as the functions of guardian of the principles of the Movement, of “watchman” of the implementation of international humanitarian law or of promoter of its further development.

Its specific neutrality and its character as a “charitable institution” have led the ICRC to choose the working methods of *discretion* when fulfilling its humanitarian task. It endeavours to work together with governments and other authorities on a *confidential* basis in the sole interests of those needing protection and assistance. It does not play the role of public prosecutor nor that of judge. And yet there may be situations where a confidential approach has to be disregarded and a public declaration or a public appeal made. When determined discreet endeavours have remained unsuccessful, it may be a question of making public serious violations of international humanitarian law, or a marked disregard of fundamental human rights or of the general principles of humanity.²⁹ Here the ICRC has to avoid one-sidedness and arbitrariness and determine whether a public approach does not do more harm than good for humanitarian work and does not in particular hamper practical protection and assistance activities out of due proportion.³⁰ In this determination consideration has to be given not only to the position and activities of the moment, but also to long-range prospects of humanitarian work.

29 In the years since 1980 the ICRC has repeatedly approached states parties to the Geneva Conventions and world opinion in order to denounce the increasing rejection of humanitarian considerations in the case of conflicts and definite violations of international humanitarian law, for example, in the conflicts in Campuchea and Afghanistan, in the war between Iran and Iraq and in the conflict between Israel and the Arab states. On 10 January 1985, the President of the ICRC *Alexandre Hay*, made an appeal for a humanitarian mobilisation and stated: “only a concerted action by all the forces of universal humanitarianism, a mobilization of States and peoples, might raise in any decisive manner the level of respect for humanitarian rules in conflicts – short of abolishing war altogether.” (See *International Review of the Red Cross*, November-December 1987 p. 630.) See also “Action by the International Committee of the Red Cross in the event of breaches of international humanitarian law” *IRRC*, March-April 1981 (pp. 76–83).

30 *Jean-Claude Favez’* book, “Une mission impossible? Le CICR, les déportations et les camps de concentration nazis”, Lausanne, 1988, deals with such considerations of humanitarian interests. In the Second World War could the ICRC have made a constructive contribution to the rescue of the inmates of concentration camps, in particular to Jews, through direct intervention with the leaders of the “Drittes Reich” or with the allied powers, possibly also through public appeals? Would it thereby have endangered its action for millions of prisoners of war? Favez writes: “Nous voici donc ramenés au problème de l’autorité morale sur laquelle, autant que sur les Conventions, le CICR fonde son action.” “Malgré toutes les explications fournies, malgré sa satisfaction d’avoir pu au moins apporter quelques secours, force est de reconnaître qu’il aurait en effet dû parler” (p. 374). The stand taken by the ICRC on Favez’ work – which is published in the book – makes the following point: “Pensez-vous . . . que cet appel, dans la rédaction envisagée, aurait permis d’imposer un frein quelconque à la ‘Solution finale’ ?” “Nous doutons de l’efficacité qu’aurait eue un tel appel. Et cela, indépendamment du risque – que le CICR ne pouvait

c. *The neutrality of National Societies*

National Red Cross and Red Crescent Societies in their large majority observe a neutrality which does not reach the high degree and absoluteness of the neutrality which the ICRC practises and keeps to. In the first place it could be called a normal, nationally conditioned neutrality. This may be explained by the following reasons:

Firstly National Societies are *recognised* by the government of their country as an auxiliary of the public authorities in the humanitarian sphere. Through this recognition the Society is *bound* to its *State* which may take the form of state decrees on the position and tasks of the Red Cross, regulations on the representation of the authorities in the bodies of the Society and material support. This link with the State may however not eliminate the independence or autonomy of the Society, yet it tends to act as a limitation. As we have seen, a decrease in independence can lead to a decrease in neutrality.

The Red Cross and Red Crescent Societies not only have a *national* character because they have been recognised by the government of their country, but also because they try to achieve widespread *relationship with the people*. A National Society must and wants to be supported by many people in all sections of the community and all parts of the country. Whereas the ICRC – although it is exclusively composed of Swiss citizens – exclusively thinks and acts supranationally, a Red Cross or Red Crescent Society tied in solidarity to the people cannot renounce its national character. Even if it seeks to act at all times in accordance with the principles of the Movement, it will nevertheless take into account the views prevailing in the population.

In the final analysis National Societies have for a long time been predominantly active *in time of peace* where they carry out wide-ranging humanitarian, social welfare and medical tasks (disaster relief, rescue, blood transfusion, training of nurses, care for the aged, handicapped and those in need). In this sphere of activities neutrality plays a less important role than in protection and assistance in the event of conflicts and disorders.

The indicated reasons are to explain that the neutrality practised by National Societies has different degrees and perhaps also different hues and cannot quite simply be put on the same level as the neutrality observed by the ICRC. And yet neutrality is and remains a *basic commitment* also for National Societies. Even today they are still called on with State and international recognition to offer protection and give assistance to the victims of conflicts and disorders without discrimination and to accept to

ignorer – de compromettre les possibilités de secourir les millions de prisonniers de guerre envers lesquels le Comité portait une responsabilité directe." (p. 378). See also Chapter II, Section 1, A, d.

and prepare for this major task already in time of peace. In contrast to many other humanitarian and social welfare institutions, they are components of a world Movement, to which also the ICRC belongs and which must ensure its solidarity and unity. Accordingly neutrality remains a fundamental principle, which applies to all components of the Red Cross and Red Crescent Movement and the focal point of which must be highlighted by all.

D. Independence

“The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement”.

The principle of independence has three elements: a general declaration of independence applying to the whole Movement and to all its components, an assertion on the supporting function of the National Societies vis-à-vis the authorities in the humanitarian sphere and the requirement for the maintenance of sufficient independence of National Societies “so that they may be able to act at all times in accordance with the principles of the Movement”.

a. The Movement's independence

“Independence” with the definition “political, religious and economic independence” figures among the four principles contained in the “Sommaire des principes fondamentaux de la Croix-Rouge” of 1921. This definition was adopted in a resolution of the XVIIth International Conference of the Red Cross (Stockholm, 1948) on the “Conditions for the Recognition of National Red Cross Societies”. In 1952 it was included in the Statutes of the International Red Cross. It is of importance because it gives expression to the fact that the Red Cross and Red Crescent institutions must maintain their independence not only vis-à-vis the States and political powers, but also vis-à-vis the churches and religious movements and powers in the financial and economic world. Although in the proclamation of the principles in 1965 mention is only and simply made of independence (“the Red Cross is independent”) and the independence of National Societies is only regarded from the point of view of their relations with the authorities, the aspects “religious and economic independence” have kept their great importance. The importance of both aspects may well even have increased

in the last decades, which on the one hand is connected with the vital role played by "religious relief agencies" at the national and international levels and on the other with the necessity of obtaining substantial financial means also from private sources. This necessity may lead to relations between Red Cross and Red Crescent institutions and economic undertakings for instance by using the method of sponsoring which is not without danger for the independence of the Movement.

As the International Red Cross and Red Crescent Movement is itself not an organization with its own legal personality and is not itself operational the declaration or requirement of independence refers to the individual components of the Movement.³¹ This reference is also unavoidable because the independence of the components of the Movement has *different forms and degrees*. The independence of the ICRC, the Federation and National Societies must accordingly be assessed individually and *separately*. From the point of view of independence, brief attention should also be given to the bodies of the Red Cross Movement (International Conference, Council of Delegates and Standing Commission).

aa. In the Statutes of the Movement of 1986 (Article 5) as in its own Statutes of 1988 the *International Committee of the Red Cross* is defined as an "*independent humanitarian organization*" "*having a status of its own*" and as a "*specifically neutral and independent institution and intermediary*". As already mentioned, the independence of the ICRC is above all guaranteed due to the fact that it *co-opts* its members from among Swiss citizens. The will and capacity of the members and of the staff of the ICRC to maintain the independence of the institution under all circumstances is decisive. The maintenance of independence against outside influence and pressure of any kind and any origin is exclusively directed at the goal of keeping to the principles of humanity, impartiality and neutrality and selflessly and effectively serving the victims of conflicts and disorders.

The history of the ICRC proves that it has been successful in maintaining its independence, either within the Movement vis-à-vis the other components and bodies, or outside vis-à-vis States and international organizations, churches, associations and movements as well as the economic powers. Although a Swiss organization, the ICRC is also independent of the Swiss State and its authorities. Despite generous support given for years, the federal authorities do not go beyond an exchange of views and advice to influence the decisions of the Committee and do not exercise any undue administrative control.³² In addition the all-round fully ensured

31 In paragraph 4 of Article 2 of the Statutes of the Movement of 1986 mention is made of the fact that: "The States shall at all times respect the adherence by all the *components* of the Movement to the Fundamental Principles."

32 In the latest *message of the Swiss Federal Council* on the ordinary federal contribution to the International Committee of the Red Cross (of 18 January 1989) it is stated:

independence of the ICRC is not to be compared with high-handedness and arrogance. The ICRC can only fulfill its humanitarian mission if it listens to and gives true value to other views and takes into consideration aspects where they seem to be in accord with its goals and principles.

bb. *The Federation of Red Cross and Red Crescent Societies* is defined in the Statutes of the Movement of 1986 as the *International Federation of the National Red Cross and Red Crescent Societies*. It is an association with its own Constitution and its own legal personality. It is an “*independent humanitarian organisation*” which is not governmental, political, racial or sectarian in character.³³

As the members of the Federation are the National Societies admitted to it and as the purpose of the Federation is to promote the humanitarian activities of the Societies, the Federation cannot be independent of the National Societies. The latter support the Federation and participate in the forming of opinion and taking of decisions in the bodies (General Assembly, Executive Council and Commissions). If a National Society does not have sufficient independence, for example is dependent to a too high degree on the government of its country, this can – through influence in the bodies – have an indirect effect on the independence of the Federation. However internal independence is to be expected from the President and Treasurer General and also from the Secretary General and his colleagues. They must not be bound in any way and have to serve the Federation and its members equally and without taking sides.

When the independence of the Federation is mentioned, the relations within the Movement and with the outside world come into question. Apart from mutual commitments under agreement, the Federation is just as independent of the ICRC as the latter is of the Federation. The bodies of the Movement also must respect the independence of the Federation. They may well make recommendations and give terms of reference; they may however not give instructions.³⁴

“despite . . . the mutual interests the ICRC is and remains independent of Switzerland. Our support of the Committee does not mean that this organization is an instrument of Swiss policy. Despite its independence, the ICRC is traditionally linked to the Swiss Confederation in the diplomatic, legal, operational and financial spheres” (Feuille fédérale, 141e année 1989, Vol. I, par. 4.1, p. 580). See also Federal Councillor *Friedrich T. Wahlen*, “Das Rote Kreuz und die Schweizerische Eidgenossenschaft”/ The Red Cross and the Swiss Confederation/, in: *Dem Gewissen verpflichtet/Conscience bound*; Zurich 1966. “Das Internationale Komitee vom Roten Kreuz”/ The International Committee of the Red Cross”, lectures by *A. Hay*, *R. Pestalozzi* and *F. Ch. Pictet*, to the “Forum helveticum”, Bern 1981.

³³ Also see the Constitution of the League in its version of 26 November 1987.

³⁴ The same applies to the independence of the ICRC as a component of the Movement. See Section 4 of Chapter II for further details of the relations between the components and bodies of the Red Cross and Red Crescent Movement.

In its relationship with States and international organizations, such as the United Nations, its subsidiary bodies and specialised agencies, with which the Federation has many working relations, the Federation has always maintained its independence. States exercising an influence on the decisions of the Federation is not very likely because the Federation – contrary to the ICRC – normally does not receive direct financial contributions from States. These go rather to and through National Societies. The same applies to economic undertakings whose contributions are as a rule made to National Societies, even when they are for the benefit of Federation actions. The ordinary or institutional budget of the Federation is anyhow exclusively financed by contributions from National Societies.

cc. *The bodies of the Movement* create no independence problems for it in as much as the Council of Delegates or Standing Commission is involved. The *Council of Delegates* is composed of representatives of the components of the Movement: the ICRC, the Federation and all National Societies each of which have one vote. The *Standing Commission* comprises two representatives each of the ICRC and the Federation and five personalities, who are elected by the International Conference of the Red Cross and Red Crescent from among National Societies. It is therefore a question of bodies which are not influenced from outside or at the most indirectly.

The same does not apply to the *International Conference of the Red Cross and the Red Crescent*, which is the highest deliberative authority of the Movement and in which the representatives of *States* parties to the Geneva Conventions participate *alongside* representatives of the ICRC, the Federation and National Societies and with the *same rights*. Through the participation of representatives of States – who may be bound by instructions from their governments – in the deliberations and decision-taking of the Conference, a foreign element is brought in, the element of State diplomacy and the guarding of State interests. This participation and involvement of States has existed since the beginning of the Movement. This is a consequence of National Societies being linked to and cooperating with States as well as of the endeavours of the Movement to promote international humanitarian law. The system of mixed Conferences – seen as a whole – has proved its value and has therefore been confirmed and even improved on the occasion of the overall revision of the Statutes in 1986. It is not without problems as it may affect the independence of the Movement and involves the danger that political considerations and trends come into evidence in the negotiations and decision-taking of the Conference. On the other hand, it may be said that States have so far held back in Conferences – in particular on questions to be regarded as internal affairs of the Movement – and

have never tried to dominate the International Red Cross and Red Crescent Movement.³⁵

b. The National Societies, voluntary auxiliaries to the public authorities in the humanitarian field

When presenting the development, position and duties of National Red Cross and Red Crescent Societies (Section 2, Chapter II), it was shown that a Society can only be recognised by the ICRC if it has previously been recognised by the government of its country "on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the authorities in the humanitarian field". Whereas the functions of "auxiliary to the public authorities" originally related to supporting the army medical service, this today covers wide-ranging cooperation with the authorities involving humanitarian tasks in the event of armed conflicts and also in time of peace. A National Society can accordingly give its backing to the whole coordinated medical service of its country, it can help in disaster and accident assistance, it can play a leading role in the health service and in international relief actions. Cooperation with and support of the authorities in the humanitarian field are one of the basic functions of a National Society. A withdrawal into purely private functions is not permitted.³⁶ On the other hand, the role of "auxiliary to the public authorities" does not exclude the fact that a National Society can fulfill selected tasks in complete independence of the State. The only condition is that they are in agreement with the principles of the Movement.

The recognition of a National Society by the State and the cooperation with the authorities lead to *relations* which in practice assume the most different forms. In many countries the position, tasks and rights of the Society are defined in a *State decree*. Cooperation and mutual support are often laid down in *agreements*. Decrees or agreements can provide that the Statutes of the Society or its regulations have to be approved by a public authority. They may also provide that the president and other members of the governing bodies of the Society are appointed or at least confirmed by the public authorities. Representatives of the authorities often sit on bodies of the Society where they may have the right to vote or only an advisory capacity. Alongside these organisational or personal relations there are many cases where the State makes contributions and facilities

35 More details on the functioning and role of the International Conference are to be found in Section 4 of Chapter II.

36 *Jean Pictet* writes: "This auxiliary status nevertheless constitutes one of the fundamental principles of the Red Cross. Because of it, the Red Cross is at one and the same time a private institution and a public service organization." ("The Fundamental Principles of the Red Cross; Commentary", p. 63)

which may involve at least factual dependence of the National Society. If a state gives a Society individual terms of reference and if this Society subsequently carries out public tasks with public resources, the authorities have the right to exercise supervision and may also have administrative control.

This has the effect that a National Red Cross or Red Crescent Society cannot lay claim to and enjoy absolute, but only *comparative independence*. However, how is the comparative independence to be measured and set up? Where are the confines and the criteria?

c. Upholding independence so as to be able to act at all times in keeping with the Fundamental Principles

The Principles and Statutes of the Movement do not only give National Societies the task of supporting the authorities in their humanitarian work but also demand that the Societies (“nevertheless”) are independent and autonomous associations. According to the fourth condition for recognition of a National Society by the ICRC the Society must “have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement”. The same point is made by the principle of independence: “National Societies . . . must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement”. Accordingly National Societies must have a *degree of independence* enabling them to be masters of their decisions, acts and announcements. A National Society is not to be an extension of the State administration and is not to be a speaker for the government. The relationship with the State and the cooperation with it may not prevent a National Society from remaining true to the Red Cross idea and follow the principles of the Movement without any restriction.³⁷

The independence or autonomy of the National Society may not only mean that it must be in a position to assure that activity assigned to it by the authorities or that it carries out in relation with the authorities is carried out in the sense of the principles of the Movement. The Society must also have the *freedom* to decline assuming a task not in line with the principles or, on the other hand, to undertake protection and assistance activities in conformity with the principles, even if thereby it should incur the displeasure of

³⁷ See alongside the writings of Jean Pictet the essay of *Botho Prinz zu Sayn-Wittgenstein-Hohenstein* “Der Grundsatz der Unabhängigkeit des Roten Kreuzes – Das Verhältnis des Roten Kreuzes zu Staat und Regierung”; in: *Völkerrecht im Dienste des Menschen / The Principle of independence of the Red Cross – the relationship of the Red Cross to the State and government*; in: *International law in the service of man*, Bern and Stuttgart 1986 and also *Anton Schlögel*, “Geist und Gestalt des Roten Kreuzes”, *Deutsches Rotes Kreuz, /Spirit and form of the Red Cross/*, German Red Cross, Bonn 1987.

the government.³⁸ At least in the sphere of its competence and its activities, a National Society must be able to speak with the voice of humanity. It should do this vis-à-vis the authorities in a way and in forms which do not endanger the relationship of loyal cooperation.

The maintenance of sufficient independence does not only depend on principles and regulations but also on the *personalities* who lead the Society and also on the *degree of development* of the National Society. In the final analysis only independent and courageous people can maintain the independence of a National Society. It is therefore highly desirable that the leaders are *freely elected* by a representative assembly of members or delegates within the Society.³⁹ The internal strength of the Society itself is finally decisive: the number and quality of the members, helpers and staff as well as the potential regarding finance and other material means. Only a Society which has such assets can insist on and maintain independence. If the independence of young National Societies in developing countries is to be strengthened every effort must be made to build them up and to contribute to their development.

E. VOLUNTARY SERVICE

"It is a voluntary relief movement not prompted in any manner by desire for gain".

The principle of "voluntary service" comprises two main elements: the *voluntary* belonging to the Movement and voluntary service within it and *unselfishness* of the help given by the Movement and the work done by the individual member, helper and staff member. Two different elements are therefore included in a single principle and put under one heading covering part of, but not the whole concept.⁴⁰

38 The independence of a National Society of the State and government is put to the hardest test in the event of *civil war or internal disorders*. Here it comes into evidence whether it can give all-round help and keep to the dictate of non-discrimination also vis-à-vis insurgents and rebels. Several National Societies have done remarkable work in such situations. See Jean Pictet, "Red Cross Principles", pp. 122-123

39 Jean Pictet writes: "In any case, the best assurance of autonomy for the Society is in the democratic structure of its organization and freedom in recruiting." ("The Fundamental Principles of the Red Cross; Commentary", p. 63).

40 Jean Pictet in 1956 in "Red Cross Principles" divided the subject matter covered by today's principle of "voluntary service" into three "organic principles", namely "selflessness", "free service" and "voluntary service" (pp. 96-111).

a. The voluntary nature of belonging to the Movement and working within it

The element of voluntary service was decisive for the Red Cross and Red Crescent Movement from the beginning and has remained so until today⁴¹. Henry Dunant was a "volunteer" on the battlefield of Solferino and was supported by "volunteers" from among the population. In his "A Memory of Solferino" Dunant proposed the foundation of relief societies "for the purpose of having care given to the wounded in wartime by zealous devoted and thoroughly qualified *volunteers*". In the resolutions of the 1863 International Conference the training, instruction and assignment of "*voluntary* medical personnel" are called for. In the Geneva Conventions mention is made of "*voluntary* aid societies" to which in the first place National Red Cross and Red Crescent Societies belong. In the conditions for the recognition of National Societies they are also described as *voluntary* aid societies. Article 3 of the 1986 Statutes of the Movement stipulates that National Societies are "autonomous national organizations" providing an indispensable framework for the activities of their *voluntary* members and their staff.

"Voluntary service" is here constantly alluded to and means above all that membership of Red Cross and Red Crescent institutions and activities in these institutions should not be based on compulsion but on *free decision and choice*. Compulsory service in a National Society decreed by the State would be irreconcilable with the principle of voluntary service. The principle of voluntary membership and cooperation of persons in National Societies also has an effect on the position of National Societies themselves as through this emphasis is placed on their private character and their autonomy. There is a close relationship between the voluntary service of persons and the independence of National Societies. Independence would not be possible if service in a National Society were based on a legal obligation and the fulfillment of compulsory service were supervised by the State. It is therefore correct to define Red Cross and Red Crescent Societies as "*voluntary aid societies*", that is to say societies which have not been created by the State and are not a party of the State organisation, but which have their origin in private initiative, the main issue in their functioning, and which therefore enjoy extensive independence and autonomy.

41 Apart from the writing of Jean Pictet, see for this section in particular: *Henrik Beer*, "The Red Cross and voluntary service" IRRIC No. 212, September-October 1979, pp. 240-246; *Marcel Junod*, "Voluntary Red Cross Members" IRRIC, Supplement Vol 12, No. 5, May 1959; *Jean-Georges Lossier*, "Les civilisations et le service du prochain," Paris 1958; *Jacques Meurant*, "Red Cross Voluntary Service in Today's Society", Henry Dunant Institute, Geneva 1985; *Jean Pascalis* "Perspective suisse - le bénévolat dans l'action social", Cahiers médico-sociaux, Geneva 1977, Nos. 3-4, pp. 147-151.

The principle of “voluntary service” does not only mean that membership of the Movement and cooperation within it should be based on free decision and choice, but it also covers the concept of the *gratuitousness* of the work done. “Volunteers” in the narrower sense are those in the Movement, above all people working within National Societies, who for their cooperation receive no remuneration, no payment and no salary. Abstaining from remuneration in the sense of payment can be expected of those members and helpers, who devote only a comparatively small part of their time and capacity of work to participation in the Red Cross or Red Crescent; they are thereby active in the Movement *alongside* their professional work or other main occupation. It is a question of *spare time or honorary activities*, in fact “*voluntary service*”. In National Societies there are millions of persons working on this basis; they are the main strength of the Red Cross and Red Crescent Movement.

Alongside “volunteers” in the narrower sense, the Movement has “volunteers” in the broader sense, namely those persons who work for the Red Cross or Red Crescent *professionally* and as a rule *full-time*. They also are “volunteers” in the sense that they have *freely chosen* the work in the Movement as professional work. On the other hand, their participation – which should also ensure their livelihood – is based on work and service agreements, on performance and valuable consideration whereby the professionally active staff members are *obliged* to do regular and qualified work in accordance with instructions. Although unremunerated “volunteers” must also assume the *duty* to serve the institution and provide a given performance the degree of obligation of the professionally active staff members, at least legally and time-wise, is far higher. As we shall see, the Movement cannot fulfill the mission assigned to it without the element of *professionalism*, an element which will become even more important in the future. The Movement can however also not carry out its humanitarian mission without the helpers – depending on the case, numbered in hundreds, thousands and tens of thousands – who are active on a *spare time and voluntary basis*. Mention may be made of voluntary blood donors, samaritans and first aiders, voluntary nurses’ aides or those looking after refugees and disaster victims; care of the aged, handicapped and chronically sick also calls for voluntary helpers in large numbers. Red Cross and Red Crescent youth work is also unthinkable without the help of volunteers dealing with animation, education and instruction.

The participation of non-professionally active “volunteers” at all levels of the institutions up to the governing bodies clearly has great *advantages*. The most striking is the economic advantage in that an enormous donor and helper potential is available, whose preparation and assignment call for comparatively small financial resources. In addition, the potential is flexible and adaptable. When there is not very much work, calling on “volunteers” can be accordingly reduced. When the work increases – for

example in the event of conflicts, disasters or large influxes of refugees – “volunteers” can be called on to an increasing extent, reserves can be mobilised and new voluntary helpers recruited.

The cooperation of “volunteers” further strengthens the element of *humanity* within the Movement. The motivation of voluntary helpers and members of governing bodies might well in general be the wish to support the good cause of the Red Cross and Red Crescent and to help underprivileged people without asking for remuneration or expecting prestige and recognition. The cooperation of “volunteers” can also strengthen humanity within the Movement in that this counterbalances the elements of technology, bureaucracy and hierarchy, characteristic of modern organizations including the Red Cross and Red Crescent. The cooperation of “volunteers” mitigates the occasional routine and harshness of the professional apparatus.

The cooperation of part-time and unsalaried persons has in addition the advantage that through them human and professional experience from outside comes into the institutions of the Movement. This is of importance at all levels, but in particular at the level of the governing bodies. Finally the cooperation of “volunteers” in large numbers strengthens *popularity* and solidarity with the people of National Societies, in particular that of Societies divided up into many smaller units. An organisation run and led only by professional staff members cannot obtain the same strong backing from the population as National Red Cross or Red Crescent Societies predominantly based on “voluntary service”.

Also at this point it is necessary to emphasize that the cooperation of part-time and voluntary helpers in a National Society is only then purposeful and useful if it is preceded by sufficient *introduction, briefing and instruction* and is later continually followed up.⁴² The instruction must cover the tasks inherent in different situations (protection, assistance, care, tracing, etc.). It must however also meet the needs, wishes and possibilities of the voluntary helpers and staff members. Only cooperation adapted to both directions can be attractive and interesting. It is also essential to have a clear description of the duties, rights and responsibilities, on the one hand within the circle of voluntary helpers, on the other, in relationship to the circle of professional staff members. Whether they be voluntarily or professionally active, all members and helpers should be integrated into the institutions and be given an appropriate share in discussions and decision-taking. The integration should develop a feeling of belonging and equality and confirm this on a long-term basis.

Are there good prospects for our Movement finding also in the future voluntary helpers and staff members in large numbers? The negative and

⁴² Here see Chapter II, Section 2: National Red Cross and Red Crescent Societies and in particular *Jacques Meurant* as per footnote 41, pp. 109–128

positive aspects of an answer to this are probably in a state of balance. A restriction for the recruitment of "volunteers" is probably the money and well-being consciousness in developed countries and the daily fight for existence of many people in developing countries. Willingness to do voluntary service in the Red Cross and the Red Crescent could be promoted by the reduction in working hours and the increase in leisure time, and also the ever longer period of retirement, particularly in industrial nations. In developing countries – where young people make up the majority of the population – the lack of an occupation and the thirst for education could have a favourable effect on the recruitment of "volunteers". Whatever the chances may be, the Movement must do everything to make the existing possibilities of cooperation known and to strengthen the potential of voluntary helpers and staff members, both quantitatively and qualitatively.

It has already been said that the Movement could not fulfill its humanitarian mission without the cooperation of *professional* staff members, without the element of (voluntary) "*professionalism*". This factor has been in evidence for a long time, but becomes increasingly important. The ICRC can only do its legal-diplomatic work and exercise its protection and assistance in that it has engaged *full-time* numerous staff members at the Geneva headquarters and within the more than 50 delegations in the field. The *Federation* also has many full-time staff members at its secretariat in Geneva and as delegates on mission. The National Societies employ thousands of full-time persons at their headquarters and in their decentralized sections, be it in administration and social welfare, be it in the tracing service, in the blood donor service, in schools of nursing and hospitals, in the homes for children, old people and the handicapped, in the rescue service and the transport of the sick. For relief actions abroad specialised personnel are as a rule engaged ad hoc.

The *advantages* of professional full-time work within the Red Cross and Red Crescent are just as evident as the advantages of spare-time and voluntary cooperation. The professional staff members – doctors, lawyers, economists, nurses, therapists, technicians, personnel for administration and public relations, etc. – ensure a permanent presence and a regular intensive cooperation corresponding to their professional qualifications. The faithful staff member in addition ensures stability and continuity in the administration and leadership of the institutions. It is also important that the element of "professionalism" gives backing and effectiveness to the element of "voluntary service". Professional staff members organise the work of the "volunteers", cooperate in their introduction, briefing and education, prepare meetings and encounters and assume the necessary follow-up, for example the implementation of decisions.

As both categories of staff members – the spare-time and voluntary workers on the one hand and the professionals on the other – are essential

for the work of the Red Cross and Red Crescent, it would be wrong to speak about a hierarchy and put one or other category at a higher or lower level. It would also be out of place to expect an attitude of humanity more from “volunteers” than from “professionals”. It is important to have *mutual* appreciation and recognition and harmonious cooperation. It is decisive that all know about the noble aim of the Movement and are willing to serve the common cause unselfishly. Unselfishness does not mean renouncing from correct social and from human treatment on the part of the staff members of the Red Cross and Red Crescent, but rather setting aside egoistic motives by service in the cause and service in aid of the endangered and suffering individual. Unselfish service can lead to deep internal satisfaction and thereby to a reward going beyond material values or external recognition.⁴³

b. The selfless nature of the help and work given

The principle of “voluntary service” comprises – apart from the element of free choice about belonging to the Movement and cooperating within it – the element of “disinterestedness” of the help given and of the work done by “volunteers” and professional staff members. For the institutions of the Red Cross and Red Crescent and for their members, helpers and staff disinterestedness signifies that in the fulfillment of their humanitarian task they do not pursue their own inappropriate interests, and seek their own benefit and advantage, but exclusively serve the goals of the Movement. The goals of the Movement are protection and assistance for those who suffer and are endangered. All resources and energies are to be directed towards these goals. The components of the Movement have a *trusteeship function*; they administer and use the resources assigned to them in the interests of people who need protection and assistance.

Unselfish intervention for the mitigation and prevention of human suffering may on the other hand not signify that the Red Cross and Red Crescent institutions and those working within them should not pay due attention to their self-preservation and self-affirmation. Disinterestedness is not to be compared to self-renunciation and self-sacrifice, which would not be of service to the humanitarian cause, at least on a long-term basis. Disinterestedness however demands abstention from interests and advan-

43 *Max Huber* said “Rotkreuzarbeit ist Dienen und nur Dienen. Weder Anfechtung noch Ansehen und Dank dürfen in Betracht kommen”; and *Jean Pictet* wrote: “The true Red Cross worker will efface himself as he confronts the work to be done, and his deeds will often be hidden, for he will learn that to climb up on the pedestal of useless recognition means to lower himself on the scale of real values. The glory of the Red Cross consists above all of unknown acts of heroism.” (“The Fundamental Principles of the Red Cross; Commentary”, p. 80)

tages which are not justified by the cause and task. The following may perhaps come into consideration: the use of assigned funds not in line with the purpose for which they have been earmarked, excessive piling up of funds and resources without paying heed to urgent relief tasks, the granting of financial advantages to members or staff which are factually not justified, and in general a "profit motive" going beyond the necessary provisions and beyond a justified reward for the work done.

The principle of "unselfishness" and also the principles of "humanity" and "impartiality" lead on logically to the principle of "*free service*" in respect of the help given. To enable the Red Cross and Red Crescent Movement to give support to *all*, especially those without means and those in need, protection and assistance must in principle be given *free*, that is to say without any material reward. Unselfishness is especially important where the components of the Movement give their attention to actual "victims", victims of conflicts, disturbances and disasters, meaning people who have been deprived or cut off from resources, for example prisoners and internees, the homeless and hungry, refugees and deportees.

There are other conditions for particular areas of the humanitarian work of National Red Cross and Red Crescent Societies *in time of peace*. It should be in line with the principle of "unselfishness" if a National Society sells its services and the products of its blood transfusion service, if an invoice is made out for a stay in a Red Cross hospital or if participation in a nursing course calls for the payment of a fee. In developed countries there are social insurances, making it possible for most receivers of Red Cross or Red Crescent services to make payment for them. On the other hand, the financial demands of a National Society must not go beyond the covering of its own costs and the formation of an absolutely necessary reserve because making "profits" is not allowed. In addition urgent assistance – such as the air transport of an accident victim or a blood transfusion – may not be declined if reimbursement cannot be made for lack of funds.

The unselfishness of the Red Cross and the Red Crescent does not prevent the institutions from observing and applying principles of providence, efficient management and social justice. Providence comprises *inter alia* setting aside reserves to permit the continuation of activities even if receipts are reduced. Efficient management calls for suitable buildings and equipment permitting rational work. In addition a Red Cross or Red Crescent institution may be an employer respecting the legitimate means of its staff members and paying appropriate salaries and providing the customary social security. All these measures must in the final analysis serve the goal of the Movement, mainly the effective fulfillment of its humanitarian mission.

Does the unselfishness require the components of the Movement to hide their light under a bushel and do their work in silence and secrecy? The modern world of communications and of mass media excludes such a

policy. It is also inappropriate as only sufficient publicity can secure the necessary material means and the recruitment of “volunteers” and professional staff members. *Public relations* are today essential. They must be all-embracing, accurate and attractive, but not ostentatious, arrogant or even misleading. They must not require excessive expenditure as this would run counter to unselfishness and be to the detriment of humanitarian work.

F. Unity

“There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory”.

The principle of “Unity” comprises three elements: only *one* National Red Cross or Red Crescent Society in the relevant country; the *openness* of the Society in the sense of non-discrimination when recruiting members, helpers and staff; the *universality* of the humanitarian work within the national borders. It is clear that the word “unity” only partly expresses the content of the principle. The word “unity” is in addition often used in another sense, mainly in the sense of the solidarity and union of the *International Red Cross and Red Crescent Movement*.⁴⁴

a. The existence of one National Society in each country

Already in the resolutions of the 1863 Conference it was laid down that (only) *one* national relief society should be formed in *each country* for the support of the army medical services. This society can be divided into (local and regional) “*sections*”, but must form a whole and come under a central directing body. These basic elements were later defined in greater detail in resolutions of International Conferences of the Red Cross, in particular in those which lay down the conditions for the recognition of National Societies by the ICRC (here see Chapter II, 2, B). The conditions for recognition valid today are laid down in Article 4 of the Statutes of the Movement of 1986 from which it emerges:

– that the word “country” is to be understood as the territory of an

⁴⁴ In respect of the following comments see the writings of Jean Pictet and in particular: “Re-appraisal of the Role of the Red Cross, Final Report: An Agenda for Red Cross” by Donald D. Tansley and “National Red Cross Societies and Health and Welfare” by Pierre M. Dorolle, Geneva 1975; Richard Perruchoud, “Resolutions of International Conferences of the Red Cross”, Henry Dunant Institute, Geneva 1975 and “International Responsibilities of National Red Cross and Red Crescent Societies”, Henry Dunant Institute, Geneva 1982.

independent State “where the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field is in force”

- that in such a State only *one* National Red Cross or Red Crescent Society can be recognised and that this Society be directed by a *central body* which shall *alone* represent it in its dealings with other components of the Movement.

The requirement fixed from the beginning that in each country there should be only *one* National Red Cross Society and that this Society be directed by a *central body* and be represented by this body externally has a two-fold reason. The National Society, which can and should divide itself into partial and subordinate associations should be formed and active according to *uniform* principles and guidelines and thereby constitute a *unity*. The National Society should be part of an international movement and initiate and maintain relations with other components of the Movement (ICRC, National Societies and later also the Federation). The assumption of external relations, such as the representation of a National Society at a Red Cross conference, must also be *uniform* and therefore come within the competence of a *central body*. This uniformity and unity, both internally and externally, are absolutely essential in the interests of the effectiveness and credibility of the National Society.

The required internal uniformity and unity must not stand in the way of a *decentralized* structure of the National Society or a comparatively flexible *relationship* of the National Society with similar organizations. As mentioned before, the division into local and regional “sections” was already foreseen in 1863 and has since then been put into practice by virtually all National Societies (see the following section c and Chapter II, 2, C). In addition many Societies came into being through the amalgamation of independent associations, where within the framework of the National Society these associations are and continue to be accorded a given measure of autonomy. There are also National Societies, which have *integrated* or *affiliated* organizations with humanitarian goals, whereby these organizations – while keeping extensive independence – became a part of the Society and gained the right to use the sign of the Red Cross or the Red Crescent. Such solutions are however only in conformity with the principle of unity if the central body of the National Society can in major questions get its way with incorporated or affiliated organizations and especially ensure that the Principles of the Movement and the rules for the use of the name and sign of the Red Cross and the Red Crescent are strictly observed.⁴⁵

⁴⁵ The Statutes of the *Swiss Red Cross* (SRC) of 22 November 1986 provide that “des organisations accomplissant des tâches humanitaires conformes aux principes de la Croix-Rouge” join the SRC as a whole on the basis of an admission agreement and then take on

If in a single country there may be only one National Red Cross or Red Crescent Society the *Geneva Conventions* of 1949 provide nevertheless that *other* “voluntary aid societies” or “humanitarian organizations” may exist and may be recognized by the government of their country or by a party participating in a conflict and be empowered to support the army medical service or carry out relief activities in aid of prisoners of war or protected civilian persons.⁴⁶ Although the National Red Cross and Red Crescent Societies are mentioned separately several times and named (see in particular Article 26 of the First Convention and Article 81 of Additional Protocol I), they are *not* accorded monopoly status. Under given circumstances they are active *alongside* other recognized and empowered aid societies or humanitarian organizations.⁴⁷

b. The National Society recruits its members, helpers and staff openly and without discrimination

Whereas the principle of “unity” simply states that a National Red Cross or Red Crescent Society must be open to *all*, the conditions for the recognition of National Societies by the ICRC (Article 4 of the Statutes of the Movement of 1986) specify that a Society must “recruit its voluntary members and its staff without consideration of race, sex, class, religion or political opinions”. Thereby discrimination is *prohibited* which in its ethical content corresponds to the principles of “humanity” and “impartiality”. As “nationality” as a criterion for non-discrimination – in contrast to the principle of “impartiality” – is not mentioned, it is left to the discretion of the National Red Cross and Red Crescent Societies whether or not they want to engage or admit foreigners as members, helpers or staff. If a National Society is also open to foreigners – full in line with the international character of the Movement and today’s mixture of nationalities – the prohibition of discrimination must also apply to this category of persons.⁴⁸

The fact that National Societies are broadly open to all sections of the community, to minorities and to foreigners who have taken up their domicile in the country cannot mean that every person who so requests must be accepted and that there is an individual claim to admission. Every

the position of a “corporate member”. Corporate members of the SRC are for example the Federation of Samaritans, the Flight Rescue Service, the Water Safety Society, the Army Medical Association and the Civil Defence Association.

46 See Article 26 of the First Convention, Article 125 of the Third Convention, Articles 63 and 142 of the Fourth Convention and Article 81 of Additional Protocol I.

47 Alongside the British Red Cross Society the Order of St. John is recognised in England as a relief society in the sense of Article 26 of the First Geneva Convention.

48 According to The Conditions for Recognition of National Societies adopted by the XVIIIth International Conference of the Red Cross (Stockholm 1948) the prohibition of discrimination referred solely to the citizens of the relevant country.

association has the right – through its General Assembly or Board of Directors – to have checked whether a person applying for admission is suitable and capable of complying with the duties of membership and contributing to the fulfillment of the goals of the association. This check plays a small role in the case of members who only pay, but must be strict and serious if it is a question of helpers or members of bodies with clearly defined tasks and responsibilities. Applications for professional work, mainly employment under a service contract, must be checked in still greater detail. Here knowledge and ability and character must be decisive.

The requirement that a National Red Cross or Red Crescent Society must be open to all, abstain from discrimination when recruiting members, helpers and staff is directed at the goal of anchoring the National Societies in broad sections of the community and in all parts of the country and making it a personal issue for the *whole population*. A National Society may not be the exclusive affair of a given section of the community, a religious group or a political party, but it must call on people of all orientations, sections of the community and parts of the country, people who are willing and in a position to promote the efforts and work of the Red Cross and the Red Crescent⁴⁹. This wide-ranging link with the population has no limitations other than that of the personal suitability of a person for a given task.

If a National Society is to be open to all, this openness certainly does not only apply to membership and participation in the work in different spheres and at different levels, but also to the democratic principle of participating in *decision-taking*. It would run counter to the idea of humanity and the concept of equality of human beings, if all were admitted to membership and participation in the work with the power of decision only within the competence of the privileged few. It is in the nature of the Red Cross and Red Crescent Movement that it comes to the aid not only of *all those* who suffer and are endangered, but accords to *all* members, helpers and staff suitable rights to participate in decision-taking. The division of virtually all Societies into local and regional sections creates specially favourable conditions for wide-ranging participation in decision-taking.

⁴⁹ Jean Pictet writes: "... the Red Cross must be organised on popular lines. It is not an organization run by the privileged few for the benefit of the outcasts of fortune, by one class on behalf of another. Every human being should have the right to give and not merely to receive. The Red Cross must therefore draw its members from all classes and its leaders must be able to come from any milieu". ("Red Cross Principles", Geneva 1956, p. 129).

c. The extension of humanitarian activities throughout the whole national territory

The requirement that a National Red Cross or Red Crescent Society should carry out its humanitarian activities in the *whole territory of the State* is a logical follow-up to the “singleness” of the National Society in the relevant country. This requirement – also contained in the conditions for the recognition of National Societies – is however also based on the principles of “humanity” and “impartiality”, which demand *general and universal humanitarian action* of National Red Cross and Red Crescent Societies in their countries. Here it is not only a question of general geographical universality but also of the factual one: *in principle*, a National Society should fulfill its tasks *everywhere* and in *all parts* of the country, tasks assigned to it by the Statutes of the Movement and its own Statutes (here see Chapter II, 2, E). Discrimination, that is to say making a distinction to the relevant people’s disadvantage or un-factual reasoning is not allowed. Making a difference and adjusting the action for factual reasons, that is to say out of consideration for other special needs is permitted and even required. The activities of a National Society in a large town will in many respects be different from those in mountainous regions. The work in industrial zones will in part differ from the work in sparsely populated areas where agriculture predominates.

As already mentioned, the presence of a National Society in the whole territory of the State is ensured through the *formation of local and regional sections*. Sections facilitate the recruitment of members and helpers on a broad basis and the adjustment of humanitarian action to specific needs. In many countries the network of sections is however not as compact and solid. There are fissures and gaps, a veritable no-mans land. Such weak points must be remedied through purposeful development activities and urgent needs which may arise in the event of a disaster must be covered through the intervention of the central body or neighbouring sections. The universality of the humanitarian action can also be ensured in case of major disasters through international assistance.

G. Universality

“The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide”.

The principle of “universality” comprises three elements: the worldwide character and thereby the universal work of the Movement; the equal status and equal responsibilities of National Societies; the duty of all

National Societies to help each other and thereby exercise international solidarity. The term “universality” accordingly means “universalness”, “all-round character” and “omnipresence”. These goals should be attained by National Societies of equal status which are equally bound to help each other.

a. A worldwide Movement

As mentioned before (in particular in Chapter II, Section 2) the worldwide character of the Red Cross Movement is already prefigured in the resolutions of the Geneva Conference of 1863: each country shall have a *national society* to give support to the army medical services. The societies “may meet in international assemblies to communicate the results of their experience and to agree on measures to be taken in the interest of the work”. In the 1863 resolutions it is also provided that the relief societies of “belligerent nations” may call for assistance with aid for the wounded, on the societies of “neutral countries”.

The universality of the Movement is closely related to the *universality of international humanitarian law*. A National Red Cross or Red Crescent Society may only be recognised by the ICRC if it has been formed on the territory of a State where the First Geneva Convention is in force and if in addition it was previously recognized by the government of the relevant country on the basis of the Geneva Conventions as a voluntary relief society. For the universality of the Movement it is therefore of decisive importance that the Geneva Conventions are *open agreements* to which all States or powers can adhere.⁵⁰

The universality of the Movement is not only to be regarded from the geographical aspect in the sense of worldwide expansion and roots. The expansion to all States and the whole territory of the States must be effected in compliance with the principles of the Movement and the conditions for the recognition of National Red Cross and Red Crescent Societies, so that the *identity* of the Movement is preserved and that both ideally and factually it has a universal character. When National Societies are founded, recognized and further developed, it is the duty of the ICRC and the Federation to promote the aspect of *internal* universality and place due emphasis on the realisation of the Red Cross idea, above all the idea of unconditional and unrestricted humanity and all-sided non-discriminatory assistance.

In the first place National Red Cross and Red Crescent Societies have the duty to work in their respective State territory for the population living

⁵⁰ Here see final provisions of the four Conventions of 1949 and of the two Additional Protocols of 1977.

there. As many Societies are still in process of development and are not yet in a position – *within* their national borders – to fulfill *all* the statutory tasks in the sense of the principles of the Movement, their activities in aid of other Societies in the framework of international solidarity are often still on a small scale. It is all the more necessary and important that – alongside the at present 153 National Societies – there are *international institutions* of the Red Cross and Red Crescent in the form of the ICRC and the Federation, which carry out their protection, assistance and development activities beyond all national borders and virtually everywhere, which close gaps and remedy weaknesses and are thereby enabled to give strong support to the worldwide character of the Movement.

b. All National Societies have equal rights

In the “Summary of the Fundamental Principles of the Red Cross”, which the ICRC introduced into its Statutes on 1921 the principles of “impartiality” and “independence” are supplemented by two further principles with the following wording: “the universality of the Red Cross and the equality of the members composing it”. The stipulation of the *equality of National Societies* (the term “members” here signifies National Societies) was at the time of importance because the recently founded Federation of Red Cross Societies was at the beginning only open to the Societies of those countries, which had in the First World War formed part “of the allied powers” and because it in addition gave privileged status to the Societies of the five main victorious powers, here following the example of the League of Nations.⁵¹ This arrangement – which ran counter to the Red Cross idea – was however soon given up and in 1952 equal status – contained in the “summary” – was included in the Statutes of the International Red Cross. In the principles of the Red Cross and Red Crescent of 1965/1986 it is laid down that within the Movement all National Societies have *equal status and share equal responsibilities and duties*. This equal status is confirmed in the Statutes of the Movement of 1986 through the provision that in the International Conference of the Red Cross and the Red Crescent all delegations have *equal rights* expressed by a *single vote*, namely the delegations of National Societies, of the ICRC and of the Federation just like the delegations of the States parties to the Geneva Conventions (Article 9). With each having one vote National Societies are also, on an equal footing in the *Council of Delegates of the Movement* (Article 13). Finally the Constitution of the Federation of Red Cross and Red Crescent Societies of 1987 lays down that the member Societies of the *General Assembly* each have one vote (Article 11).

⁵¹ See Jean Pictet, “Red Cross Principles”, Geneva 1956, p.133.

The presentation of National Societies in Chapter II, Section 2, brings out that they are in many respects similar but in many respects also dissimilar. *Similar* is their character as Red Cross and Red Crescent Societies as a result of their recognition by the ICRC on the basis of clearly defined conditions and in particular as they are bound to the principles of the Movement. *Dissimilar* however are the number of members and the size of the staff, the financial capacity and other material means, the type and scope of numerous activities. Societies are big, of medium size and small, advanced and less developed, of heavy and light weight. Just as with people and with States the actual differences and the range between the weaker and the stronger ones are very great.

The fact that despite all differences, National Societies have equal status and rights has three reasons. Firstly the equality of National Societies is a follow-up to the *equality of States*, which has been in evidence for some considerable time in international law and State practice. In the *Charter of the United Nations* it is laid down that the organization is based on the principle of sovereign *equality* of all members and that every member State has *one* vote in the General Assembly⁵². If in the world of States, where military and economic power are decisive factors, the principle of equality could come to the fore – at least on the level of law and, it is true, with deviations and limitations – this is all the more relevant to the Red Cross and Red Crescent Movement, where the *human being*, the one who gives and the one who receives, the strong one and the weak one, are at the focal point. The equality of people and especially also the *equality with regard to suffering*, justifies and explains the equality and equal rights of National Societies.

In the final analysis the equality and equal rights of National Societies are also based on their *independence*. It would be irreconcilable with independence of National Societies demanded in the principles of the Movement, if the voting powers of Societies in bodies of the Movement were graduated or if the claims of individual Societies to seats and positions were legally fixed and if as a result the majority of Societies came under the domination of a minority of strong and big Societies.

However the reality of life – and this applies above all to the world of States – provides a different picture in many cases. Often the legal, formal and sometimes felt as abstract equality is outmanoeuvred or bypassed by the actual inequality or by the power of the factual. In the world of States a

52 The Charter of the United Nations runs counter in one important respect to the principle of the sovereign equality of all members. In Article 23 it is laid down that five member states of the UN, namely China, France, the USSR, Great Britain and the USA – in other words, the main victorious powers of the Second World War – are *permanent members of the Security Council* and as such have the *right to veto* with regard to decisions which do not concern procedure. Given states are also given a privileged status in individual specialised agencies of the United Nations and in other inter-governmental organizations.

powerful state has more to say than a weak one. In the Red Cross and Red Crescent Movement the strong and experienced Society has a greater influence than the one which is still weak and inexperienced. These realities may be quite definitely in the interest of the cause involved and may mean a correction of merely formal and sometimes also misused equality. On the other hand, the powerful and strong should not use their influence to weaken and in the final analysis eliminate the ideal of equality, which stems from justice. The strong should respect the weak in their equality and help them to achieve equal status.

c. *The duty of solidarity*

According to the principle of "universality" National Societies have the *duty* "of helping each other". The ninth condition for recognition requires National Societies to *cooperate* with the components of the Movement (ICRC, Federation and National Societies) and participate in the *solidarity* which unites them (Article 4 of the Statutes of the Movement). Article 3 of the Statutes lays down that *internationally* National Societies should give *assistance* to *victims* of armed conflicts, natural disasters and other emergencies within the limits of their resources. This assistance is coordinated and provided by the relevant National Societies, the ICRC or the Federation.⁵³

In addition National Societies should contribute to the *development* of those sister Societies, which need support and ask for it. Article 3 mentions that the goal of development cooperation – calling for participation within the bounds of the possibilities – is to strengthen the Movement as a whole.

The presentation of the work of the ICRC, Federation and National Societies in Chapter II brings out that *solidarity* between "sister Societies" in the Red Cross and Red Crescent Movement, often felt to be a "family", *is no empty word*. International assistance in the case of armed conflicts and disorders and in the event of natural and other disasters has in the last fifty years taken on considerable proportions and also achieved a high level from the point of view of quality. The cooperation for development within the Movement has also made progress in general, even it remains to weak compared to the great needs. The encouraging strengthening of solidarity transcending borders is due to the well planned and excellently coordinated interventions of the ICRC and the Federation and the powerful commitment of a large number of National Societies. The achieved measure of solidarity may however also be ascribed to the generous *willingness to donate* of governments and people running into millions who either directly or through the media are informed of emergencies and urgent

53 For further details see Chapter II, Section 4.

needs in all parts of the world and are thereby motivated to help. Finally the *cooperation* between the components of the Movement and other organizations with humanitarian goals at the national and international levels has gained in importance and positive affect. This will be studied in detail in Chapter VI.

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