



# REVUE INTERNATIONALE DE LA CROIX-ROUGE

SUPPLEMENT

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# RED CROSS PRINCIPLES

## IV

### 3. Due proportion

**The help available shall be apportioned according to the relative importance of individual needs and in their order of urgency.**

Man must receive help in proportion to the extent of his suffering. But the resources available for social work are insufficient to relieve all the misery in the world. Hence the necessity for following a rule in apportioning them. Whether we are concerned with the medical care of the wounded or sick, or with the distribution of relief to those in want, the help given must be in proportion to the distress in each case and the order in which it is brought must depend upon the urgency with which it is required. That is the only criterion the Red Cross is justified in adopting when dispensing its benefits.

This obligation follows from two notions which we have already studied. In the first place, the principle of humanity, which defines the purpose of the Red Cross, is centred on human suffering: suffering gives rise to charitable action and it is from it that such action takes its pattern. It would be inhumane to offer the same form of help to people who are suffering in different ways, and not to give priority to those whose trouble requires immediate action. The Red Cross would then be failing in its mission.

In the second place, the principle of equality, itself the fruit both of a feeling of humanity and of justice, means that equal

service must be given in order to meet an equal degree of distress. When, however, misfortune has destroyed the equality existing between men, the Red Cross must try to restore it. The best way to bring men up to the same level is to give most attention, in the first instance, to those of them who are in greatest need <sup>1</sup>. That is mere common sense. An inequality can only be remedied by another inequality, if an equal balance is to be restored. There are thus certain distinctions between individuals which it is lawful and even necessary for the Red Cross to make—those, namely, which are based on suffering, distress or natural weakness; but those are the only ones. For here it is, in this field, that the Red Cross intervenes in the workings of destiny and changes the lot of human beings. Another institution, completely different from the Red Cross, might also proclaim the equality of all men, but it would make an exception in the sphere with which it itself was concerned. Thus the judicial authorities treat men equally, except in so far as concerns their rights, their virtues, and their faults. And a religious association will give no one any preference, except in regard to his religion.

Although the principle of due proportion is, as we see, of cardinal importance, it has until now been implicit in the doctrine, rather than expressed <sup>2</sup>.

This is doubtless because it is so obvious. Nevertheless, the fact that it has never been mentioned has been a source of concern to certain people; it must be admitted that in the field of material relief action the policy followed by the Red Cross itself has not always been consistent. In the Spanish war, for example, the International Committee felt that it must, for reasons of principle, distribute the relief it received equally between the two parties. Such a course did not present any great practical difficulty, as the two territories involved in the struggle were of much the same size and the needs noted on either side of the front appeared to be approximately equivalent.

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<sup>1</sup> This principle might, in exceptional cases, be disregarded by the man concerned himself, if, in a spirit of self-sacrifice, he wished to give up his benefits in favour of someone else who was affected less than he was.

<sup>2</sup> See, however, MAX HUBER: *Principes d'action et fondements de l'œuvre du Comité international de la Croix-Rouge*, Geneva, 1948, p. 10.

In theory, however, this attitude simply arose from a mistake and a false interpretation of the notion of equality, as we shall see further on. The only aspect in which the Red Cross must maintain equality between two countries is in its readiness to serve.

Nor, for their part, are the Geneva Conventions, as revised in 1949, silent upon this subject, as was formerly the case. As we have already said, they only prohibit "adverse" distinctions. The term is inadequate, but it is meant to show that certain distinctions are permitted: they are those founded on the suffering, distress or natural weakness of the persons protected. Women are, for example, to be treated with all the special regard due to their sex, as the Geneva Conventions themselves stipulate. In the same way, it is only natural that children and old people should be favoured. The Diplomatic Conference of 1949 also agreed that special conditions in regard to accommodation, heating and clothing should be accorded to prisoners used to a tropical climate, who were held in a cold country. Other clauses in the Conventions provide for the repatriation of prisoners who have undergone a long period of captivity. For the duration of an ill is also a source of suffering, as it wears down human resistance.

Apart from inequality in regard to the quantity of help given, the Conventions provide, even more clearly, for inequality in the time factor. Thus Article 12 of the First Convention of 1949 states very rightly that "only urgent medical reasons will authorize priority in the order of treatment to be administered". Let us suppose that in a given place the Army Medical Service has to deal with a whole stream of wounded; the doctors, under such circumstances, taking no account of nationality, would attend first to the men for whom a delay would have fatal, or at least very serious consequences, and would then look after those who were not in need of emergency treatment.

The principle of due proportion, like that of equality, will be applied in practice as dictated by the structure of the Red Cross movement: the National Societies will apply it for the most part only in the national sphere, while the international bodies will apply it on a worldwide scale. For the latter, again, it would tend to be a theoretical ideal which they strive to

attain to the greatest extent possible, without succeeding in doing so completely in everyday life. For in the field of relief supplies the International Red Cross organizations are, in most cases, agents for the charity of others. And charity, as practised in the world, is, alas, nearly always biased : everyone distributes his liberalities in accordance with some special affinity, whether in his own country or in a foreign country which has suffered through war or from a disaster. Religious organizations will, for example, help members of their own religion, professional associations will assist colleagues who follow the same calling, and political groups will lend assistance to their supporters. Although this general phenomenon departs from the ideal of true charity and the highest form of justice, it is based on reasons of a sentimental or practical nature : in the same way as members of a family help each other, each person looks after those he considers as closest to himself or as depending on him. And surely that is the original meaning of the word " neighbour ". By thus taking charge of a class of people for whom one feels a certain responsibility or in whom one takes a special interest, one leaves it to others to do the same for the groups with which they are more closely associated. It is in this way, incidentally, that most generosity is obtained from men, for emotional love is far more widespread than the love which takes the form of devotion.

In the international sphere, therefore, the gifts to be transmitted are in most cases intended for a specific class of persons by the will of the donors, which the distributing agents cannot disregard. In wartime, when relief action takes place on the largest scale, Governments and Red Cross Societies are mainly concerned with assisting persons of their own nationality, which is quite natural in view of the national character of those institutions. The International Committee thus receives consignments with instructions to use them for a special purpose and acts as the distributing agent ; for one-sided liberality is of value even if it no longer entirely deserves to be called charity. It is important for some at least of the outcasts of fortune to receive help, even if others remain in need.

The International Committee, for example, will nevertheless do its utmost to reconcile this lack of strict impartiality in

the relief provided—a quality which springs from human nature—with the Red Cross ideal of help apportioned solely in accordance with the amount of distress. With this object in view it will co-ordinate as well as possible the resources sent to it, it will encourage further generosity in behalf of victims who are receiving nothing, it will use the supplies placed freely at its disposal for the benefit of those in greatest need and strive to increase the quantity of such supplies<sup>1</sup>. For this purpose it could appeal in wartime to the Red Cross Societies of neutral countries which, as we shall see later, may send their aid where they think fit, without infringing the laws of neutrality. It will encourage them, therefore, to lend their assistance where it is most necessary. To adjust the balance between one man and another by making good deficiencies in the assistance given officially, is most certainly to act in the spirit of the Red Cross, which goes so far as to say to the unfortunate: “ I love you because nobody loves you ; I love you because you are hated ”.

Our comment on the original meaning of the word “ neighbour ” is also true in the strictly geographical sense : it is to the inhabitants of the areas which are nearest that help is given the most willingly and the most generously when they are, for example, the victims of a disaster. This is due to the fact that man by nature only tends to be moved by sufferings which he sees, or can actually touch, because they then arouse his pity and sense of solidarity and also because they embarrass him<sup>2</sup>. When the imagination does not enable us to picture events in all their detail, charity is shortsighted. It is just as though physical proximity painted misery before our eyes in sharper tones and distance blurred the picture. There is obviously also the fact that transport difficulties and the cost of relief action increase with the distance to be covered. One might, finally, almost say, as though we were speaking of a physical

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<sup>1</sup> The International Committee can only resort to persuasion vis-à-vis the donors. It cannot exert pressure on them by refusing to transmit their relief, because it would then be the actual victims who would suffer.

<sup>2</sup> Just as a soldier who would hesitate to shoot down a woman or child in the street, nevertheless coldbloodedly drops bombs from an aircraft on a town, killing hundreds of women and children.

law, that the help given is inversely proportional to the square of the distance. This rule, which cannot be avoided, is a grievous hindrance to the Red Cross and may have serious consequences : in a continent with no resources, for example, there would only be the poor to help the poor, whereas in a region favoured by nature, the rich would be helping the rich. In this respect the National Societies are, however, an honourable exception.

There are other circumstances again which may temper the principle of due proportion to some extent. In the first place, the Red Cross has to obtain the necessary authorization to intervene. Furthermore, it is not always either possible or desirable to split up the relief supplies at one's disposal *ad infinitum*. In order to be effective, the assistance must often be complete, and prolonged for a considerable time. It is sometimes better to carry out a relief scheme of limited scope with absolute thoroughness rather than disperse one's resources in many different places where they are in all cases inadequate. Humanitarian considerations of a more general nature may also exert their influence : preference, or priority, is thus given to cases of contagious disease, in order to prevent or arrest an epidemic which would otherwise claim many new victims. The observance of the principle of due proportion presupposes a profound knowledge of the distress which exists in the world. Assistance, to be effective, demands both intelligence and discernment. Charity implies knowledge<sup>1</sup>. One would, in fact, have to be omniscient in order to apply the principle to the letter. In practice it is most often those concerned who themselves inform the Red Cross of the misfortunes requiring relief. But the institution cannot merely respond to the appeals which it receives and whose merits it verifies. There are too many cases of pain silently borne, of distress which is not expressed ; there are too many victims of misfortune, whom ignorance or fear enclose in a burdensome silence. It is for the Red Cross to discover them.

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<sup>1</sup> For humanitarian action one must be fully informed about the persons who are to be assisted, their mentality and their customs. (See Dr. Pierre DOROLLE : *Ethnologie et problèmes sanitaires* — *Revue internationale de la Croix-Rouge*, April 1953, p. 301).

In the present study we have already on a number of occasions compared justice with charity. The connection between these two conceptions is, indeed, the crux of the problem with which our study is concerned. It should therefore be considered on its own, and at the stage we have reached, might well serve as a conclusion to our first three chapters which, being strictly concerned with the rules governing Red Cross action, form a single whole. The problem is one which has been discussed at great length since the days of antiquity and on which philosophers do not appear to agree. We cannot therefore claim to have solved it in a few pages ; but it is at least necessary to state it and indicate certain main points.

To tell the truth, the world has not always been very clear as to whether the Red Cross should be guided in its actions by charity or by justice. This explains why its refusal to act as an arbitrator or to make formal protests against certain violations of law has sometimes been misunderstood. The Red Cross has not always itself been very clear on the subject. Was it not after the first World War that the International Committee declared itself to be " the defender of charity and justice, two principles without which there is no humanity worthy of the name—principles which it must not only proclaim, but protect against all attacks ? "

Justice and charity are the two poles in human relations. But do these virtues conflict or can they, on the contrary, be allied or even identified with one another ? Is one born of reason and the other of sentiment, as has been claimed, or is the nature of both essentially the same ? Can one do without the other ? Is justice merely charity in a rational form ? These are all questions which we can obviously only consider here from a particular angle.

In general, justice consists in giving everyone his due<sup>1</sup>. It has various aspects which must not be confused. There is, in the first place, the so-called distributive or legal justice, which gives to everyone according to his needs, his merits and, in particular, his rights. For the man who must act, it implies

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<sup>1</sup> The great difficulty is to decide what is due to each of us.

strict duties, which the law sanctions and society enforces through the medium of judicial and administrative authorities—duties which no one can avoid. Apart from that, there are extensive duties which are left freely to man's discretion and, at any rate today, are obligations solely from the moral point of view. One is then in a domain where the ideal form of justice reigns—the form of justice known as equity, which inspires those who wish to do what is best for their fellow creatures, quite apart from, or even in spite of, legal justice <sup>1</sup>.

On reflection, one sees that distributive justice is profoundly different from charity. It has been represented as a woman holding scales and blindfolded. It is true that this same symbol could, in a certain sense, represent charity. Charity, like justice, knows man only as a human being, the label attached to him being without importance. Like justice, it holds the balance evenly between one man and another. Like justice again, it bestows its gifts on a recipient whom it has selected for valid reasons. But there the analogy ends. For while justice gives to each according to his rights, charity apportions its gifts on the basis of the suffering endured in each case. To judge, is to distinguish the good man from the wicked, the just from the unjust; it means assessing individual responsibility. Charity has nothing to do with that form of justice. It refuses to weigh the merits and faults of the individual. It goes much further than that; rising above the contrast between good and evil, it attains complete serenity, and wisdom; it is then the very image of mercy, of boundless kindness.

There are, as we said, many different degrees of justice. Starting from primitive vengeance, it is represented in turn by the state of the law and of civilization in many different epochs and different regions, and reaches its ultimate form at a very lofty level, far in advance of mere legal justice. It then assumes a mantle of understanding and indulgence and is inclined to take no further account of men's responsibility, of their merits and faults; it tends to become equalitarian, that is to say to

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<sup>1</sup> We may quote the saying of Pascal that true justice makes a mock of justice. And one knows the old adage: *summum jus, summa injuria*.

offer everyone the same chance of living a normal life and winning their share of happiness. It is more concerned with giving everyone what he lacks than with inflicting punishments and harsh treatment. That is the ideal ; but it is often misunderstood by those who have not reached such heights, and in most cases it cannot be put into practice by society, which has to maintain the social order. In this higher stage we may say that justice coincides with charity, in which it finds its highest form of expression.

Let us now consider the Red Cross, which represents a typical form of charity. As an institution it has had to establish a procedure for applying the principle of humanity by which it is governed. It thus has a set of rules of its own which it is the purpose of this study to set forth. For the Red Cross, the idea of responsibility has given way to that of suffering, and the prejudices by which the merits of the man are commonly appraised are no longer valid in its eyes. It does not judge men, but gives its help according to their needs without any form of discrimination alien to their distress. That is the doctrine of the Red Cross or, if one prefers it, Red Cross justice. For while the word "just" generally means "in accordance with what is fair", it also has the particular sense of "in accordance with certain rules". One says, for example, that it is only just for the victim of a great misfortune to be helped more than his friend whose misfortune is less, and for the man who is seriously wounded, even if he is guilty of an offence, to be relieved before the honest man who has been slightly wounded. In this sense, we might have spoken of the principle of equity instead of that of due proportion. As in the case of neighbourly love, one regrets that there is one term only—the word "just"—to express the two ideas, namely "in accordance with certain rules" and "inspired by a lofty human ideal".

We can therefore conclude from this general study that charity and justice, far from conflicting, meet and support each other at a higher level. The Red Cross is an agent of the highest form of justice where charity takes precedence over man-made laws. In the same way, universal justice, the source of social progress and of the happiness of the greatest number, rises to

the level of charity and prefigures the new world for which men are hoping.

There are certain special considerations which should be mentioned. Last century saw the birth of the idea that the world should be organised on a purely rational basis, and the relations between men founded on strict justice<sup>1</sup>. Some people held that charity and self-sacrifice were incompatible with a sense of human dignity. This theory has gained so much ground today that one wonders whether it will be possible for a spirit of service to continue to exist in a future society of an extremely legalistic nature, and to imagine that "it would not be opportunities for performing acts of charity that would be lacking, but the necessary authorization"<sup>2</sup>.

We notice indeed that as society evolves, acts which formerly came solely under the heading of charity, become to a continually greater extent acts of pure justice. Furthermore in a world which is still all too often grossly unjust, justice appears to be the first of the charities. And one is tempted to say to those who think that by giving alms they can throw off their responsibilities at little cost to themselves: "Let us first have a little justice". For alms are not enough for the man of today. He wants society to be organized.

We have seen that justice, in its highest form, ultimately coincides with charity. But until such time as it attains its peak, there will always be a place for charity beside it. For charity produces initiative and spontaneity; it gives social relations a human touch which the law, impersonal and abstract, does not know. Whereas "justice means respecting human beings, love goes out to meet them"<sup>3</sup>. We may therefore say that in our imperfect world we must have justice, always more justice, and we must have love, more and more love.

*(To be continued.)*

Jean S. PICTET.

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<sup>1</sup> See Jean G. LOSSIER, *Sur l'esprit de service — Studia Philosophica* — Basle, 1953, Vol. XII.

<sup>2</sup> LOSSIER, *op. cit.*

<sup>3</sup> LOSSIER, *op. cit.*

# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## SUNDRY ACTIVITIES

### News Items

*On September 24 last, M. A. Durand, delegate of the ICRC in Hanoi, handed over to the Red Cross of the Democratic Republic of Viet Nam ten cases of medicaments and medical equipment donated to that Society by a private Indonesian association directed by Dr. Tjoa Sik Ien. It will be remembered that, at the end of May, the delegate of the ICRC travelled to Djakarta and Surabaya in order to make arrangements with the donors for the despatching of the consignment to Saigon.*

*M. Durand also presented the Society with a gift of Braille watches.*

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*The ICRC delegation in Saigon is still concerned with the position of former prisoners of war held by the forces of the Democratic Republic of Viet Nam, which continued to liberate them during 1955. In order to be in a better position to answer enquiries received by the ICRC from various National Red Cross Societies and families on behalf of former military personnel, the delegation has made new approaches to the French authorities in South Viet Nam.*

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*On October 7, M. J. de Preux, ICRC delegate in Saigon, presented the directress of the "Domaine de Marie" Orphanage*

*in Dalat with a cheque for 23,219 piastres, donated by the International Sponsorship of War Orphans, whose headquarters are in Geneva. This gift will be used for urgent repairs to this establishment's premises where the Sisters of St. Vincent de Paul take care of a great many Eurasian orphans.*

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*Another convoy of children, German-speaking or of German origin, left Jugoslavia on November 4. It included 17 children who were joining their families in Austria, and 83 who were awaited by their relatives in Germany; two of the children will leave Germany at a later date and will proceed to the United States and Canada respectively.*

*This was the tenth convoy of children organised by the Yugoslav Red Cross Society since the action undertaken by the ICRC for the re-uniting of families first started. Thanks to the active collaboration of this National Society, the number of children who have been able to join their families or near relatives has now reached 2,254.*

*As in previous cases, the children were received in Rosenbach (Carinthia) and in Piding Transit Camp (Bavaria) by members of the Red Cross Societies taking part in the action, representatives of the authorities and a delegate of the ICRC.*

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*Since the closing of its delegation in the Near East, in 1952, the ICRC has continued to keep in touch with the governmental and Red Cross circles, which were formerly in regular contact with its representatives in Cairo, by sending temporary missions to the countries concerned.*

*M. D. de Traz, Deputy Executive Director of the ICRC, who has been entrusted with the task of renewing those contacts this year, left Geneva on November 1 and will be visiting each of the Middle East countries during his tour of two to three months.*

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*The United Nations High Commissioner for Refugees, M. van Heuven Goedhart, was received at the headquarters of the Inter-*

*national Committee of the Red Cross, on November 8, by M. Léopold Boissier, President.*

*After being congratulated upon the award of the Nobel Peace Prize to the institution under his direction, and the personal distinction conferred upon him by the award of the Carnegie Foundation Peace Prize. M. van Heuven Goedhart examined, with M. Boissier, a number of questions of common interest to the High Commissariat and the International Committee. Assisted by several members of their respective staffs, they discussed the question of refugees, in particular those from Trieste and Shanghai, the International Tracing Service in Arolsen, legal aid to refugees and, in general, the co-ordination of the work of the High Commissariat and the International Committee.*

*This very cordial discussion emphasised the wish of the two institutions to continue their close collaboration for the carrying out of their humanitarian task.*

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*On the kind invitation of M. B. de Rougé, General Secretary to the League, Mlle. L. Odier, Member of the ICRC, and Mlle. A. Pfirter, Head of the Nursing Personnel Section, took part in the XIIIth Meeting of the League Advisory Committee, held in Geneva from October 18 to 21, 1955.*

*The delegates of National Societies, and the representatives of the ICRC, highly appreciated the welcome they received and the efficient manner in which the work of the meeting had been organised by the League Nursing Bureau, directed by Mlle. Y. Hentsch. The exchange of views which took place was a proof of the interest aroused by the various questions placed on the Agenda, in particular the problem of the recruitment of nursing personnel.*

*At the headquarters of the ICRC the nurses taking part in the meetings heard a survey of the International Committee's work and visited the Central Prisoners of War Agency.*

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*A further translation into German of the Geneva Conventions of 1949 has been issued by the Austrian Government, following the*

INTERNATIONAL COMMITTEE

*recent publication by the Governments of Finland and Hungary of translations into Finnish and Hungarian. At the present time official versions in 19 languages, published by 21 States, are available. Two of the translations only concern one of these four Conventions.*

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*In collaboration with the ICRC and the League, the Rumanian Red Cross Society is making travelling arrangements for some forty Greek nationals, adults and children, who are in possession of immigration visas for Australia. Their work has reached a stage where it may be supposed that the emigrants will be able to leave Rumania in the near future.*

\* \* \*

*The International Commission which controls the work of the International Tracing Service held a plenary session on October 20, in Bonn. M. R. Gallopin, Executive Director, represented the ICRC. A fourth staff member of the ICRC has, moreover, just been nominated to the ITS Directorate, namely M. Max Bruns who, with M. Hoffmann and M. de Cocatrix, has been assisting M. N. Burckhardt since October 2 last.*

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*Following the trial broadcasts which were made last July, over the wave-length assigned to the ICRC, some two thousand reception reports have already reached Geneva. These reports emanate, not only from European countries, North Africa and the Middle East, for which these broadcasts were intended, but also from other parts of the world. The examination of this abundant correspondence has already revealed that the standard of audibility and propagation was definitely higher this year than in previous years, which was, to a great extent, due to the arrangements agreed upon by several transmitting stations using the same wave-length.*

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*During the third quarter of this year the Pharmaceutical Section of the ICRC despatched 1,772 parcels to 12 countries, representing a value of 47,250 Sw. Fr.*

*In view of the extensive damage caused by the floods which occurred last year in India and Pakistan, the International Committee of the Red Cross associated itself with the international relief action undertaken under the auspices of the League by sending two consignments of medicaments to the Red Cross Societies in those countries. The consignments, which were given free transport by air, weighed 364 kgs and were valued at 6,548 Sw. Fr.*

*Moreover, thanks to the generous gift of a Swiss firm of manufacturers of pharmaceutical products, Messrs. F. Hoffmann-La Roche & Co., Basle, the ICRC was able to give further assistance to the two stricken countries. The latter consignments, sent by sea route, consisted of 817 kgs valued at 23,055 Sw. Fr., despatched to the Indian Red Cross, and 766 kgs, valued at 23,032 Sw. Fr., sent to the Pakistan Red Cross.*

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*The resettlement in various countries of the tuberculous refugees from Trieste and their families, some still undergoing treatment in Leysin sanatoria, and the others residing temporarily in Morzine, is still the object of active negotiations on the part of the ICRC. At the present time, 76 of the refugees have returned to a normal life, and a solution, of a temporary nature—but which is gradually becoming permanent—has been found in the case of 10 other persons who are now no longer a charge on the budget of the relief action.*

*On the other hand, the ICRC is busily engaged in finding the necessary resources to pursue the task it assumed nearly two years ago. Thanks to an arrangement made with the United States Government, represented by the Foreign Operations Administration, a credit of 55,000 dollars has been opened for the International Committee, for the purpose of financing the resettlement of the Trieste refugees. In addition, the Swiss Government has just made a contribution of 150,000 Swiss francs towards this work, and the Intergovernmental Committee for European Migration, which has already financed the action on a large scale, has informed the ICRC that it is prepared to make a further grant of 150,000 Swiss francs.*

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*May July*

## INTERNATIONAL COMMITTEE OF THE RED CROSS

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