



REVUE
INTERNATIONALE
DE LA
CROIX-ROUGE

SUPPLEMENT

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RED CROSS PRINCIPLES

IX

ORGANIC PRINCIPLES

When embarking on our survey we pointed out that the rules which form part of the doctrine of the Red Cross could be classified under two main headings: fundamental principles and organic principles. This distinction is important.

As we have seen, the principles which fall into the first category are directly bound up with the fundamental motives which prompt Red Cross action. They are unaffected by circumstances and do not vary according to the particular case under consideration; they inspire the institution, characterize it and determine its aims. The organic or institutional principles, on the other hand, exist because of the fact that the Red Cross is an organization; they relate to the structure of the institution and the way in which it works. They may also be regarded as rules for applying the fundamental principles to the conditions which prevail in the world today. The practical ends which the Red Cross sets out to achieve mean that it must take due account of the material and spiritual realities of the life in society in which it undertakes its work. Having once decided what its duties are, it needs rules to govern its constitution, to guide it in the choice of the means by which it can achieve its aims, and to direct its steps in all the different situations with which its manifold activities may bring it face to face.

Although the fundamental principles differ from the organic principles both in regard to their importance, and even their essential character, it is not always easy to draw a hard and fast line between the two categories in certain borderline cases. The principle of impartiality and certain parts of the chapter on "neutrality" might, for example, have been included here, although they have, for the sake of clarity, been dealt with in the first part of our survey¹. In the same way, the organic principles are closely connected as between themselves.

Although the fundamental principles of the Red Cross were only formulated recently, that is in 1921, this cannot be said of the institution's organic principles, some of which—the independence of the National Societies and the voluntary and auxiliary character of the service they give, for example—had already been expressed in some detail in the resolutions of the original Conference which founded the institution in 1863. Eleven years later Gustave Moynier, President of the International Committee, added certain ideas which were not quite so obvious: "Member Societies of the Confederation of the Red Cross", he wrote, "are linked to one another by the more or less formal undertaking they have given to act in accordance with certain identical rules. These rules are four in number, namely: centralization, foresight, mutuality and solidarity"². We shall revert later to the significance of these terms.

The first systematic statement of the organic principles was, however, contained in the "Conditions for Recognition" of the National Societies. These conditions were drafted by the International Committee shortly after the IVth International Red Cross Conference which met in 1887 and, confirming what was actually occurring in practice, officially entrusted the International Committee with the task of introducing newly

¹ We are thinking, in particular, of the neutral attitude which the International Committee adopts towards States, treating them on a footing of equality and refusing to give any opinion as to their legal status or about their politics.

² G. MOYNIER: *Ce que c'est que la Croix-Rouge* — Geneva, 1874, page 6.

constituted Societies to international life. The "Conditions for Recognition" were revised in 1948.

We have, lastly, already alluded to the "Fundamental Principles" of the League of Red Cross Societies—a long and important declaration, drawn up by a Committee formed of representatives of certain National Societies, which was adopted by the Board of Governors of the League in 1946 and later confirmed by the XVIIIth International Conference. In spite of its title it is concerned with the organic principles of the Red Cross, but it begins with a reference to the "summary" of the fundamental principles. Although the principles given there do not follow any logical sequence or any system, and there are repetitions, the document is nevertheless of real value and we shall often have occasion to refer to it¹.

One must beware of simply regarding the organic principles as rules of good management which any undertaking takes a pride in observing. But they are not as absolute in character as the fundamental principles and some flexibility in regard to their application may be allowed in exceptional cases, where circumstances warrant it. When is this permissible? The only possible answer to that question is to be found in the League's declaration to which we alluded above; after recommending that National Societies should act in accordance with Red Cross principles, the statement goes on to say that they "should not be deterred from helping the distressed by too rigid an interpretation". In other words, if the letter of the principles should ever clash with a humanitarian interest, the latter should prevail. As we shall see in a moment, the "Golden Rule" of the Red Cross is that the only consideration should always be the welfare of those who have suffered.

¹ We have also found A.-R. Werner's work, *La Croix-Rouge et les Conventions de Genève* (Geneva, 1943), a useful source of reference.

1. Selflessness

The Red Cross does not reap any advantage from its activities ; it is only concerned with the humanitarian interest of the persons who require help.

The first and most important of the organic principles of the Red Cross is selflessness. This notion is closely connected with the fundamental principle of humanity. The two may be said to form a pair. Neither has been formulated in the official doctrine of the movement. But the XVIIth International Red Cross Conference, in defining the Red Cross in a resolution on the subject of the spirit of peace, spoke not only of " relief of suffering wherever it may exist " but also of " selfless service to all quarters of the globe ".

In speaking of the selflessness of the Red Cross we mean that it reaps no personal advantage from its work, that it has no interests of its own, or that its interests are, at all events, always expressed in terms of charitable aims. That is equivalent to saying that the interests of the Red Cross and those of the people it assists coincide. Any encouragement or assistance to the Red Cross serves the victims who need the latter's help, and vice versa. If the Red Cross as an institution were to have any separate interest of its own, this could only be envisaged as the preservation of existing and future opportunities for carrying out its charitable work to the best advantage. In speaking of " interest " we are certainly not referring only to financial benefits, but to any material or spiritual advantage at all.

Whenever the Red Cross Body has to act or make a decision, it will first of all ask itself where the humanitarian interests of the persons in need of help lie, and whether they will be furthered. By humanitarian interests we mean the advantage everyone has in having his distress relieved and in being humanely treated. This is the most valuable of the rules guiding the action of the Red Cross ; it is the " Golden Rule " which will

enable it to solve most of the problems it meets, without any possibility of error. In moments of difficulty it will point the way more surely than the needle of a compass.

The above remarks refer, of course, to the true interests of those who suffer. They will be determined in each case by carefully weighing the factors involved. What must be attained is the greatest possible good for the greatest possible number. But in actual practice the decision will often depend on the immediate interests of the victims. The main concern here will be their life and health, which are of supreme value to them and may be dangerously affected by the time factor. The Red Cross cannot take any chances where they are at stake. Knowing that delay may be fatal, it will not take the risk of deferring action if there is any doubt about the future result. It will never sacrifice a life today in the uncertain hope of saving a hundred later. For the Red Cross, we repeat, the end does not justify the means.

In the same way the Red Cross refrains from anything which might inflict injury or loss on human beings. The International Committee, for example, will not communicate the information about war victims which it has in its possession if it has any reason to fear that it may, by so doing, harm the persons concerned or their families. This attitude is endorsed by the recent Geneva Conventions¹. An exception might be made to this rule, however, in order to protect a higher humanitarian interest. Medical personnel may be armed, for instance, in order to protect the wounded committed to their care. Similarly, the Red Cross was justified in proposing legal texts prescribing the punishment of persons who violated the provisions of the Geneva Conventions; for its main concern was the protection of their innocent victims.

The disinterested nature of the Red Cross's action is, as we said, a consequence of this fundamental principle of humanity. It is the natural result of the philanthropic character of the movement's work. The characteristic feature of charity, or if one prefers it, social service, is to devote oneself, wholly

¹ Fourth Convention of 1949, Article 140.

and without reserve, to one's fellow men. With such an ideal there can be no middle course, for that soon leads to compromising with one's conscience. It is clear, moreover, that no one would give his money or unpaid assistance to an organization which used them, not for the stated object, but for personal profit.

The Red Cross is a purely charitable institution. It has only one object: to relieve human suffering. All its other activities are subordinate to this one unique aim. Nothing can divert it from its true purpose and, by so doing, diminish its efficiency. It cannot have subsidiary aims which do not help to further its essential object. First and foremost it avoids any money motive. It is not moved by a desire for gain, but by love of one's fellow men, and these two motives are diametrically opposed to one another. It is nevertheless a remarkable fact that in an age when everything can be bought and sold, a coherent group of services, spread over the whole world, should function regularly and permanently, without the powerful incentive of commercial profit.

The absolute priority given to charity is not a monopoly of the Red Cross. It is nevertheless the feature which distinguishes it from most of the other organizations and establishments which are engaged in the struggle against suffering. Many of them have a dual purpose to achieve. In the case of the civilian medical and para-medical professions, private clinics and the pharmaceutical industry, the profit motive plays an obvious part. But in many countries the public hospitals also try to pay their way or, at all events, cover their expenses to some extent; to make up for this, the poor receive free treatment. The above services thus represent, to a varying degree, a reasonable compromise between a desire to assist as many people as possible and a desire to avoid placing too heavy a financial burden on the community.

It follows from what we have said above, that the Red Cross must devote its entire resources to attaining its humanitarian aims; everything must assist, as directly as possible, in accomplishing its mission. It might even be said that the

Red Cross has no property of its own. It acts as a trustee¹ for the gifts it receives, for they are entrusted to it on behalf of, and in the name of the suffering. The Red Cross is merely an agent responsible for administering such property, and for making the best use of it in their interests. This circumstance lends special force to the appeals which the Red Cross makes for funds; it is not asking for anything for itself, but always for others. It also means that the Red Cross must always manage its affairs as economically as possible, strictly scrutinizing the smallest items of expense, avoiding all show, and maintaining the simplicity which inspires confidence, and constitutes the institution's true adornment.

The selflessness of the Red Cross prevents it from laying undue stress on what it has accomplished. One would prefer such work to be unobtrusive, like private charity. For a long time this view prevailed in the Red Cross world, but one must recognize that it is no longer really practicable today. The secrecy observed by a mere individual with regard to the generous use he makes of his own money is out of place in the sphere of organized assistance. The Red Cross has no independent financial means of its own; it depends entirely on donations. It is its absolute duty to increase its resources, so as to be in a position to respond to appeals for help made to it and render the services expected of it. Appeals are made to public generosity from all sides, and the public's attention is attracted by all the means offered by modern publicity methods. Silence would mean being ignored, and under such conditions charity could not be dispensed efficiently. While the Red Cross must not engage in noisy, cheap propaganda, which might in the end harm it, it should nevertheless give objective information concerning its activities to the people who make such activities possible by paying its expenses, and also to those who may make donations in the future. But its credit will above all depend on the services it has rendered—on the work it actually does.

Our study is concerned with the laws governing the institu-

¹ Or fiduciary. *Fiduciaire* in the French text.

tion and not with the moral conduct of its representatives. But perhaps one observation may be allowed us. Those who serve the humanitarian cause all over the world sometimes fall, like everyone else, into the pitfall of self-esteem and are not always immune from the attractions of prestige and honours. But the Red Cross will not be the conquering force it should be unless its members only serve for the sake of serving, and to achieve results, setting little store by things in which so many men take a pride.

It is also our duty, however, to know ourselves as we are and not to delude ourselves as to the motives for our actions; in that way our very faults may be turned to profit. If we cannot rid ourselves of vanity, let us at least use it in the interests of good works.

2. Free service

The Red Cross offers its services free of charge.

The services of the Red Cross are free not only because of the disinterested character of the institution, but also because of its universalism and the equality it observes as between men. As we have seen, the Red Cross offers its assistance, without exception, to everyone who needs it and appeals for it. To make the assistance given depend upon a financial contribution would be equivalent to refusing help to those who were not in a position to make such a contribution. If the services of the Red Cross are to reach everyone they must of necessity be free.

This very obvious requirement is not expressly formulated in the movement's official doctrine, but it follows without any shadow of doubt from the spirit of that doctrine. The fact that the Red Cross was set up for the very purpose of assisting the unfortunate, incapable of saving themselves and in most cases without resources, makes this requirement all the more essential. In wartime the Red Cross will have to care for the

wounded or prisoners, who are separated from everything on which their prosperity depended; it will have to supply the needs of necessitous evacuees tramping the roads, and help refugees to start a new life. Even in peacetime the Red Cross is sometimes the last resort, the last hope, of unfortunate beings whom it tries to help without even asking their names, without asking them to admit their utter necessity.

The principle of free service does not mean that the Red Cross must always refuse to receive payment. For the evils which have to be cured exceed the resources at its disposal and, constantly facing new duties, it spends what it has as fast, or almost, as it receives it. Apart from the essential reserves which it must build up to meet eventualities ¹, it would be unthinkable for the Red Cross to accumulate capital and live on the interest, when there is so much crying misery all around ². If, therefore, the people who have benefited by the good works of the Red Cross wish to show their gratitude by covering the cost of the assistance given to them, and have the means to do so, the movement may and should accept such contributions, in order that people who are less well placed may benefit by its action in their turn. In certain cases it would even be legitimate for the Red Cross to ask those who can to share in its expenses, and if such people are generous they will do more than their share; those who have will thus pay for those who have not—a state of affairs which is in full accordance with the spirit of the Red Cross. Such payments should always be voluntary, however, and never a condition on which care is given. Understood in this light, they will not infringe the principle of free service or be at variance with the essential nature of the Red Cross movement.

The fact that the Red Cross gives its services free means

¹ We shall see later that foresight is also a Red Cross principle.

² It has been suggested that in order to ensure that the Red Cross receives regular resources and to defend it against itself, as it were, inalienable funds should be constituted for it. But this solution is no longer entirely valid under present-day conditions, particularly in view of the decline in the rates of interest paid. A possibility which should, perhaps, be studied, would be the creation of capital which could not be touched in normal times, but would be at the disposal of the Red Cross in case of a serious crisis.

that the community should, for its part, support the institution's work all the more widely and objectively. The rule of budgeting according to which expenditure must depend upon income must not apply to the Red Cross. In its case it is income which must increase in proportion to expenditure, for the latter is dictated by humanitarian needs. Its financing is therefore essentially a matter of donations—resulting from public subscriptions and collections, from State subsidies, etc. Nor is there any reason why a government should not reimburse the expenditure resulting from special tasks it has asked the Red Cross to carry out. The principle of free service only applies, in fact, to the people to whom the Red Cross gives its care—to those who benefit directly by its action.

Let us remember, for example, how the International Committee of the Red Cross remained faithful to the principle of free service during the Second World War. Throughout the war it was able to meet its expenses, thanks, for almost half the total, to gifts received from the Swiss people, the remainder being provided by contributions from the Governments and Red Cross Societies of the belligerent countries. In most cases these contributions were in the form of a lump payment and went to support the work of the Red Cross as a whole, without being specially assigned by the donors to the assistance of a given class of persons or to support a particular relief scheme. The work of the Geneva Committee forms a whole: by its very nature and through the effect of reciprocity, it is useful to both sides, wherever it is carried out. When the Committee's delegates visit prisoner-of-war camps in a given territory and help to ensure that the provisions of the Conventions are properly applied, are they not working to some extent on behalf of both parties? As a matter of principle too, the system of lump payments seems preferable, at all events in wartime: it is in accordance with the disinterested character of the Red Cross and helps to preserve the independent quality of the charitable work done, enabling it to be carried out where it is most required.

On the other hand, the International Committee was obliged to ask for its expenses to be refunded in the case of certain

special tasks which greatly exceeded the services which could rightly be expected of it and involved the provision of material resources out of all proportion to its normal means. Cases in point were the transmission by wireless of nominal rolls containing the names of many soldiers captured overseas, and, in particular, the forwarding of relief to prisoners of war belonging to the Allied Powers who were detained in Germany. In this second instance a vast system had to be built up from scratch, to undertake the conveyance by sea and by land, the storage and the distribution of food and clothing to a value of over three hundred million Swiss francs. The International Committee, which had incidentally done its work most economically, just covered its actual outlay by deducting a commission, on a percentage basis, from the goods forwarded. On the other hand it refused to use that method to meet other expenditure, or even a proportion of its general expenses, although one may well feel that it would have been justified in so doing.

The emblem of the Red Cross on a white ground must always remain a symbol of disinterested help within everyone's reach. To the general public it can only call to mind aid dispensed free of charge. A clear indication of this is given us in the Geneva Convention which laid down, both in 1929 and 1949, that the Red Cross sign could be used, with the express permission of the National Red Cross Society, to mark the position of aid stations exclusively reserved for the purpose of giving free treatment to injured and sick civilians, even when the aid stations in question did not belong to the Red Cross. This provision applies in particular to the emergency first aid posts at crowded meetings and events and to the "Highway First Aid" posts which are placed at intervals along main roads for use by motorists involved in accidents. The Convention stipulated that such posts must offer their services free. If any charge is made or any medicaments sold, permission to use the Red Cross sign should be withdrawn.

The authors of the Convention were thus careful to safeguard the idea of disinterested service in an exceptional case of the emblem's use, simply because that idea is very closely bound up with the work of the Red Cross. The General Rapporteur

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of the Diplomatic Conference of 1929 underlined this when he said: "By adopting this text, the Commission showed that it sincerely wished to preserve the complete integrity and universal prestige of the sign of the Convention, and the high moral significance of the principles it represents in the eyes of all peoples" ¹.

(To be continued.)

JEAN S. PICTET

¹ *Actes de la Conférence diplomatique de Genève de 1929* — Genève, 1930, p. 619.

INTERNATIONAL COMMITTEE OF THE RED CROSS

LEGAL PROTECTION OF THE CIVILIAN POPULATION

ADVISORY WORKING PARTY OF EXPERTS DELEGATED BY NATIONAL RED CROSS SOCIETIES

As stated in the *Revue internationale* (January 1956) the ICRC extended to the end of February 1956 the period within which the National Societies might send in their comments on the *Draft Rules for the Protection of the Civilian Population from the Dangers of Indiscriminate Warfare*. This extension enabled several other Societies to submit detailed and most interesting comments on these humanitarian rules, which, as we know, will be one of the most important items on the Agenda of the next International Red Cross Conference.

Having received the comments of many Red Cross Societies in all parts of the world, and of independent experts, the ICRC was thus able, early this year, to collate and examine all the suggestions made with a view to extracting those most useful for improving the Draft which it straightway submitted last year to Red Cross Societies. This examination showed how well the National Societies had understood the spirit animating this action. They know, of course, that their great organisation earnestly hopes that it will never again experience the war-time conditions to which the *Draft Rules* apply, and that the sole aim of these rules is to see reaffirmed, at some future date, that respect for human values to which the Red Cross attaches such great importance ; they are also aware that such a reaffirmation, by relieving the anxiety of the civilian population about the

fate of those values, would help to dissipate fear, which is the source of suspicion, and foster the spirit of peace in the hearts of men and among nations.

The collation of all these comments also showed that while many of the amendments proposed by National Societies could easily be accepted, others required careful scrutiny; all the more so because they dealt with points of substance, such as the general principles, the definition of military objectives, weapons with uncontrollable effects, and sanctions or inspection. The ICRC, therefore, thought it advisable, before taking a final decision on these suggestions, to discuss them with qualified representatives of National Societies.

It was glad of the opportunity which was offered when several Societies, in submitting their comments, indicated that they were favourably disposed to the idea of a Red Cross meeting, to be held before the New Delhi Conference, for the purpose of making a preliminary study of the *Draft Rules*. It will be recalled that, in its 410th *Circular* which accompanied the *Draft Rules* sent to all Red Cross Societies, the ICRC asked them to give their views on the desirability of calling such a meeting, and stated that it was prepared to organise it if it was generally considered desirable. As the majority of the Red Cross Societies, when replying, did not ask for the meeting to be held, the Committee concluded that the condition it had laid down for the convening of a general and official meeting had not been fulfilled.

On the other hand, as we have said, the Committee thought it advisable to examine the important suggestions referred to above with experts delegated by those Red Cross Societies which were in favour of a preliminary exchange of views on the *Draft Rules*, on the ground that, after having carefully studied the text within their own Society, such experts would be specially qualified to express their opinion on these suggestions and to find a compromise between the different points of view. It was also of the opinion that this general study could best be carried out by an Advisory Working Party unofficial in character and free from publicity; it should, in particular, be distinguished by the qualifications of those taking part, as well as by the Red Cross spirit animating its discussions.

The ICRC therefore invited those Red Cross Societies which had expressed interest, about ten in number, to delegate one or more qualified representatives to a working party to be held from May 14 to May 19. The invitation was accepted by all the Red Cross Societies concerned in Belgium, France, German Democratic Republic, German Federal Republic, India, Japan, Jugoslavia, Mexico, the Netherlands, Norway and Switzerland.

Furthermore, in a circular letter dated April 19, the International Committee informed all the other National Societies of the meeting, and stated that all Red Cross Societies wishing to participate in the work could do so by sending qualified experts. The Polish Red Cross took advantage of this offer and was represented at the meeting; the first sessions were honoured by the presence of M. de Rougé, Secretary-General of the League, and M. Tuma, President of the Czechoslovak Red Cross, accompanied by M. Blaha, Head of the Foreign Relations Department.

Altogether, seventeen persons, representing twelve National Societies, regularly attended the meeting, that is to say :

Red Cross in the German Democratic Republic : Dr. Bernhard Graefrath, Legal Adviser : M. Helmut Fichtner, Head of the Foreign Relations Department.

Red Cross in the German Federal Republic : Dr. Kramarz, Assistant Secretary-General and Legal Adviser.

Belgian Red Cross : M. Henri Van Leynseele, Advocate at the Supreme Court of Appeal.

French Red Cross : M. G. Cahen-Salvador, Honorary Vice-President of the Council of State, Administrator of the French Red Cross ; Médecin-Général Inspecteur Costedoat, Technical Adviser to the Public Health Ministry ; M. Fautrière, Sous-Préfet H. C., Civil Defence Department, Ministry of Internal Affairs ; M. J.-P. Pourcel, Civil Defence Department, Ministry of Internal Affairs.

Indian Red Cross : Major-General Rao, Director of the Army Medical Service.

Japanese Red Cross : Dr. Juji Enomoto, Professor.

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Jugoslav Red Cross: M. Bosko Jakovljevic, Legal Adviser, Jugoslav Red Cross : Captain Jovica Patrnogic.

Mexican Red Cross: M. de Rueda, Delegate to the International Committee of the Red Cross and the League of Red Cross Societies.

Norwegian Red Cross: Lieutenant-General J. D. Schepers, Member of the High Court of Military Justice.

Polish Red Cross: Miss D. Zys, Delegate.

Swiss Red Cross: Dr. Hans Haug, Secretary-General, Swiss Red Cross.

In addition, the meeting had the benefit of the advice and assistance of Colonel Divisionnaire Karl Brunner, Doctor of Laws, Expert ad hoc of the International Committee of the Red Cross.

The discussions of the Working Party, presided over by M. F. Siordet, Vice-President of the ICRC, continued without interruption from May 14 to 19. The experts present were called upon to give their opinions on some thirty items connected with the Draft Rules ; these items had been submitted to them beforehand to serve as an Agenda.

During the discussions, which were followed with great attention by all, and marked throughout by a spirit of mutual understanding and a desire to reach solutions most in keeping with the Red Cross ideal, experts were able, not only to comment upon the conclusions reached by their Societies after studying the Draft Rules, but also, thanks to the exchange of views, to reach general agreement on many points.

In the commentary on the final text of the Draft Rules, the ICRC will have occasion to give a detailed account of the result of the discussions, especially of amendments to the provisions of the present text. We would like, however, to mention a few points which were brought out in the discussions.

The experts confirmed their Societies' opposition to the idea of total warfare, which is so contrary to both the principles and the work of the Red Cross. They also emphasised their concern that the new rules should not in any way give the impression

that they justify acts of war, and indicated their preference for a form a of wording of the articles, and the insertion of a preamble, designed to dissipate any confusion in that connection. They also thought it necessary to define more clearly the relationship between those new Rules, which aim at protecting populations primarily from the dangers caused by weapons and their effects, and the Fourth Geneva Convention, or the Hague Conventions, so that the protection which those Conventions, especially the former, already afford to civilians in times of conflict should on no account be underrated.

With regard to several very important questions, such as those relating to weapons with uncontrollable effects, reprisals and sanctions, all of which could, in some instances and in other circles, have a political significance, it seemed to them that while the Red Cross could not disregard them, it could make a more valuable contribution by keeping to its own purely humanitarian and general aims. For the new Rules which will be submitted to the next International Red Cross Conference, although they take the form, for their greater utility, of a draft international convention, should nevertheless be considered from the true Red Cross angle, that is to say, they represent an appeal to the conscience of all men and especially of Governments.

The valuable information drawn from the discussions of the Working Party, and the comments submitted by the National Red Cross Societies, will enable the ICRC to prepare the version of the Draft Rules which will serve as a starting point for the discussions of the XIXth International Red Cross Conference. The new version will be printed and sent, probably in the early autumn, to National Societies and Governments taking part in the Conference, so that all concerned may have sufficient time to examine it. The ICRC hopes that the National Societies and Governments which will be represented at the supreme assembly of the Red Cross will give this text the same careful and profitable attention that was granted to the first version of the Draft Rules.

R.-J. W.
