



REVUE  
INTERNATIONALE  
DE LA  
CROIX-ROUGE

SUPPLEMENT

CONTENTS

	Page
Jean S. Pictet : Red Cross Principles (VI) . . . . .	31

---



# RED CROSS PRINCIPLES

## VI

### 5. Neutrality

**The Red Cross must observe strict neutrality in the military, political, denominational and philosophical spheres**

In the world of the Red Cross no idea has been the subject of more confused thinking than neutrality. Most people are content to regard it as a simple entity and give it a single, vague meaning, whereas in reality the one word can be used in a number of different senses. Before analysing them there are certain general points to be considered.

The word neuter is derived from the latin "*ne-uter*" meaning "neither one nor the other". Neutrality is essentially a negative conception—the quality of someone who remains outside a conflict, who does not openly take the side of either party.

Neutrality has not in itself any ethical value, as it may spring from a variety of very different motives, high or low, such as fear or perspicacity, self-interest or indifference. It is a form of outward behaviour which is not in itself either good or evil and can therefore only be appreciated or criticized in relation to the surrounding circumstances. Neutrality only takes on a moral aspect when it is the result of a firm resolve, based on permanent principles such as a love of peace, respect for one's pledged word, or a desire to be objective.

Neutrality demands real self-control and sometimes takes long to learn. It then becomes a form of discipline, a self-imposed restraint to which one submits, perhaps unwillingly,

a brake applied to the impulsive urges of the feelings. The man who follows this difficult road will see that in any controversy one party is rarely entirely right and the other entirely wrong. Having reached an advanced stage in his reflections, he will sense the futility of the motives so often put forward for launching nations into the fray. Considered in this light, neutrality is a first step towards objectivity, and so towards wisdom and perhaps towards peace.

In international law, neutrality is the reverse of belligerency : it is the position, in relation to two Powers at war with one another, of a State which is taking no part in the conflict. Neutral status is governed by legal rules, in particular the Hague Conventions, and involves rights and duties. It implies, in a word, abstention from any official participation, direct or indirect, in hostilities. It is therefore first and foremost a military conception. Recent developments in the situation and in the world of ideas lead some people to consider, however, that neutrality should also have certain effects in the economic sphere, in view of the important influence which the latter has today on the war potential of a country. A neutral State which maintains trade relations with the warring nations would, for example, do its best to give them equal treatment. This would not, incidentally, be a question of establishing equality in a mechanical fashion <sup>1</sup>, excluding all discretion on the part of the neutral party, but, on the contrary, of leaving the latter to apply the principle, taking into account the particular circumstances in each case and without favouring either of the contending parties for subjective or selfish reasons.

Considered from the most general point of view the notion of neutrality implies, in the first place, an attitude of abstention and, secondly, the existence of persons or groups which oppose one another. As this latter element is common to neutrality and to impartiality, the two notions have often been confused, the more so as they each demand restraint and moderation. They are nevertheless very different—particularly in regard

---

<sup>1</sup> Would such equality be in regard to quantity or quality? Would it be numerical or proportional? These are questions which we cannot pursue any further, as they go outside our subject.

to the element of abstention—although the one does not necessarily exclude the other. Impartiality, as we showed in the last chapter, describes the attitude of someone who acts, making a choice in accordance with pre-established rules, while a man who is neutral refrains from action, refusing to express an opinion concerning the qualities of the men or theories compared. If he had nevertheless to take action of some sort, he would maintain an even balance between the two parties, and that would be his only guiding principle. In such cases the neutral man could and should display impartiality by refusing to let his judgment of this equality be warped by subjective reasoning.

Although neutrality defines the attitude of the Red Cross towards belligerents and ideologies, it never determines the institution's behaviour towards sufferers. In the first place the wounded do not fight one another. And, above all, the essential characteristic of the Red Cross is action, and, when it acts, not to maintain an inhuman parity, but—quite the contrary—to favour those who are most in need of help<sup>1</sup>. Charity demands impartiality and not neutrality, which, as we shall see later, is not so much part of the Red Cross ideal as a means of accomplishing its task.

We must now study the five different senses in which the term neutrality is used in the doctrine of the Red Cross.

(1) It denotes neutrality in the military sphere, which must be strictly observed by the Red Cross as the counterpart of the immunity accorded to it. This requirement is so absolute and so general in its application that we have no hesitation in including it among the institution's fundamental principles. While it has not until now been mentioned in the summary of those principles, it follows inevitably from the Geneva Conventions and is one of the first conditions of the Red Cross's existence.

It is seen, first of all, on the battlefield. Under the 1864 Convention, ambulances and military hospitals were "recognized

---

<sup>1</sup> In the parable of the Good Samaritan, the neutral figure is the Levite who passes by indifferent to the dramatic scene in which the traveller and the brigands have just been involved.

as neutral, and, as such, protected and respected by the belligerents". For their part, medical personnel—and by implication the wounded themselves—also benefited by neutrality. The use of the term neutrality clearly indicated that the wounded were no longer enemies and that those who cared for them were placed outside the struggle. But as the word "neutrality" has a more limited sense in legal parlance, it was not a suitable one to use in a treaty. For in international law neutrality denotes, above all, the position of a State which does not take part in a war. Furthermore, its use introduced an element of ambiguity: it might have been thought that medical units were denationalized, which is not the case. The term was therefore abandoned, reference being only made thereafter to "respect and protection without distinction of nationality". The idea of neutralisation has nevertheless subsisted and the term itself has retained its value in current parlance.

The immunity conferred on the establishments and personnel of the Medical Service and Red Cross implies the completely loyal abstention by such personnel from all interference, direct or indirect, in the hostilities. Being considered as "neutrals" by the enemy, in the best interests of the wounded, they are under an obligation to behave as neutrals. They must above all avoid committing what the Convention calls "acts harmful to the enemy", that is: acts whose object or effect is to harm the armed forces of the adverse Party by favouring or hampering military operations. We may mention as examples the action of establishing an ammunition dump in a hospital, or installing a military observation post there. Such acts constitute grave breaches of neutrality and are liable to deprive the medical unit which has committed them, or allowed them to be committed, of protection. The consequences, immediate or remote, on the lives and security of the wounded may, moreover, be extremely serious. Medical personnel are, however, entitled to carry arms, in order to maintain discipline in the units for which they are responsible and to defend themselves and the men committed to their care against unlawful attacks. If compelled to make use of their arms under such circumstances, they would not be committing a breach of neutrality. But they cannot,

of course, use force to resist the capture of their unit by the enemy, any more than they can themselves take prisoners.

The most recent version of the Geneva Conventions states specifically that the protection due to hospital units shall not cease except as a consequence of harmful acts committed by them "outside their humanitarian duties". For the work of the Red Cross, considered from a narrow and strictly utilitarian standpoint, may in fact impede military operations to some extent. When it enables combatants to be "recovered", does it not contribute to the war effort, if only very slightly? If military interests, in the strictest sense and wrongly understood, had prevailed, the wounded would be considered to be enemies who would again be dangerous one day, and those who helped them would be regarded as traitors. We wish we could say that such ideas have long been relegated into the past, never to re-emerge. We have, however, been alarmed to see them subsisting or springing up again in certain minds, even among members of some medical services. It had therefore to be made very clear, in the recent Conventions, that the charitable activities of the Red Cross are always lawful and are never hostile gestures, so long as they remain within the limits traced by the international law relating to the subject and by the great principles of humanity. Let us never forget that in the world's history war might have remained what it was—a merciless unleashing of brutal instincts, a ruthless and bloodstained triumph of barbarity. But it is not quite that, because one day, on August 22nd, 1864, the States signed the Red Cross covenant, sacrificing a national interest and a fragment of their sovereignty to the dictates of conscience. This sacrifice was made once for all time. It may appear extraordinary, and paradoxical, to some; for the States thus renounced the killing of enemy soldiers, which is after all the characteristic feature of war. But it was at this price that a breach was made in man's ancestral hatred, and that was not too much to pay for one of civilization's finest conquests.

All we have just said concerning the attitude which the Red Cross must observe on the field of battle also applies by analogy to its action as a whole, in both the international and

national fields. This is true of its practical relief work. No limits must be placed by the belligerents on the Red Cross's consignments of medicaments and medical equipment to war victims of all categories, since the institution will then be fulfilling its specific role and the help given will, by its very nature, only benefit the wounded, sick and infirm—that is, human beings who are in distress and not in a position to harm anyone <sup>1</sup>. The new Geneva Conventions make express provision for this in the case of prisoners of war, civilian internees, the population of occupied countries, and even that of countries at war. They are less explicit on the subject of military wounded and sick who are with their own army, but there cannot be any doubt on this head, as the spirit makes good the letter of the law. The entire Red Cross movement was created in order to relieve war wounded, and save them wherever they might be. It would be failing in its mission if it lost sight of its original task. We come back here to what we said a moment ago about the sacrifice military power has made, once for all time, to the dictates of humanity.

On the other hand, other consignments of relief supplies, such as food and clothing, may be subjected to certain restrictions ; for in their case we come up against war itself and one of the most effective means of waging it—the economic arm. One knows that in international law, as it exists at present, a blockade is still accepted as a measure of coercion, in spite of the fact that it affects innocent civilians just as much as members of the armed forces. The Red Cross will be able to provide relief freely to persons placed under the enemy's authority, such as prisoners of war or the inhabitants of occupied countries. But in the belligerent countries themselves it will confine itself to supplying the children and expectant mothers, as laid down in the Fourth Geneva Convention. Its action may, nevertheless, extend to wider circles, provided the opposing side gives its consent.

---

<sup>1</sup> Speaking generally, humanitarian principles also demand that pharmaceutical products should at all times be able to circulate freely all over the world and that their price should not be prohibitive. Discoveries in the world of medicine should spread everywhere without any delay.

Military neutrality is necessary in many other spheres. One Red Cross Society refused, for instance, to be associated in wartime with a collection whose proceeds were to go both to the national defence and to the society itself; it was right to refuse. It was, again, unfortunate that an appeal, issued under the Red Cross emblem to the general public to give their blood for the wounded of both camps, should have been accompanied by a slogan according to which to give one's blood was also to fight. Nor can the Red Cross intercede for the repatriation, during hostilities, of prisoners of war who are fit for service and could take up arms again. Nor, again, can the Red Cross, in any given conflict, transmit or lend its support to peace or armistice proposals, even if they appear to be humane; for they may give one or the other of the parties an advantage, according to the moment chosen, as has been seen in some well-known cases.

The immunity enjoyed by Red Cross Societies with respect to military operations, has been supplemented since 1949 by the important safeguards which the Fourth Geneva Convention accords them against the unfair use an Occupying Power might make of its authority in the administrative sphere. During the Second World War certain National Societies were exposed to measures, involving their dissolution, the dismissal of their staff or the seizure of their equipment and supplies, which seriously impeded them in their action or even paralysed it completely, the consequence being to deprive a great many unfortunate people of assistance which they needed urgently. Today, however, under Article 63 of the Convention for the protection of civilians, and subject to urgent reasons of security, the Occupying Power must let Red Cross Societies and other charitable organizations pursue their activities in accordance with Red Cross principles, and may not require any changes in the personnel or structure of these societies which would be prejudicial to their work.

The natural corollary of this immunity is, of course, the duty of the National Societies and those controlling them to give themselves up entirely to their humanitarian duties and never to participate, either closely or remotely, in the struggle

which the resistance forces are carrying on, openly or secretly, against the Occupying Power. The action of such patriots may be legitimate ; it may be heroic ; but it is incompatible with the mission of the Red Cross. If it is desired, in the general interest, that philanthropic institutions should continue to exist in an occupied country and should be allowed to carry on their work, their members must, by their irreproachable attitude, inspire the complete confidence of the authorities who hold power under exceptional circumstances.

(2) The term " neutrality " is used to describe the reserved attitude which the Red Cross forces itself to adopt towards political, philosophical, ethical and religious doctrines. The Red Cross fulfils a universal need, it responds to aspirations which are shared by all men, and it acts in accordance with generally accepted principles. In doing this it has, perhaps without realizing, taken up its position in the forefront of civilization. Its neutrality marks its serenity and tolerance. It is a sign, nay a proof, of its sincerity in regard to its ideal.

It must be recognized that the word " neutrality " does indeed apply to this attitude of abstention on the part of the Red Cross towards all moral philosophies other than its own, to the fact that it holds itself apart from controversies which are alien to its mission and inconsistent with its universal character, and also to the indifference it shows, not to political events—which may effect its action—but to the meaning ascribed to them.

The principle of equality is at the basis of this neutrality. The main reason why the Red Cross refuses to take sides, is for fear that a partisan spirit should lead to distinctions contrary to its principles. Any ideology to which it might give its allegiance could but restrict its freedom of appreciation and its objectivity.

But there is another reason too for this neutrality : the fact that the Red Cross must inspire universal confidence, both among those it is helping and those who make its work possible. Its work depends very largely, particularly in wartime, on the credit it has with the authorities of the opposing country and

on cooperation between national Red Cross Societies. And, as we know, the bitterest hatreds, those which create the greatest havoc, often spring from a difference of opinion.

Reserve in no way signifies contempt or hostility, however. The Red Cross cannot become a foreign body within a nation, nor a centre of opposition to a regime, party or creed. It will therefore be able to observe an attitude of benevolent neutrality towards the temporal or spiritual authorities, maintain good relations with them and, if necessary, collaborate with them in humanitarian matters. All that one asks is that it should not militate in favour of institutions or ideas which have no essential connection with the mission it has undertaken.

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<sup>1</sup>.

This attitude is sometimes questioned, or even decried, in an epoch when so many ideologies clash violently and claim to carry everything along in their train. There is a growing tendency to ask everyone to "enlist" in the cause and to tax those who refuse to do so with cowardice. The policy of a party is being regarded more and more as life's supreme object, and conceptions or actions which do not directly assist in attaining it are condemned. Neutrality, like impartiality, is so often misunderstood and rejected, simply because everyone wishes to be at the same time judge and party, without having any universally valid criterion on which to base his decision. Everyone imagines rather naively, that his cause is the only just one, and that not to join it is to abandon truth and justice.

It is the non-political character of the Red Cross that limits the extent of its action in connection with the prevention of war. Having seen its horrors at close quarters, the Red Cross

---

<sup>1</sup> The XVIIIth International Red Cross Conference in Toronto in 1952, noting the fact that questions of a political nature had been raised there, expressed "its determination not to allow such issues to undermine the work of the Red Cross at any time" and declared "its unabated faith in the Red Cross as a movement concerned solely with humanitarian activities which help to promote mutual understanding and good will among nations whatever their political differences". (Resolution No. 10.)

## RED CROSS PRINCIPLES

realizes better than anyone that war is inhumane, and as uncharitable as it is unjust<sup>1</sup>. There are few causes dearer to the Red Cross than that of peace. Its whole attitude shows that it regards war as an evil. Its very existence is like a reproach to those who give free rein to force. Its international work of mutual aid helps to bring men—and perhaps in the long run, nations—together, and to spread a spirit of peace. It is therefore contributing indirectly, within its own province, to the work on behalf of peace.

In this matter, like all others, the Red Cross must avoid taking sides as between the Powers. For although all nations love peace, they do not often agree about the manner in which it is to be established or maintained, nor about the form it should assume, and to express one's opinion on questions of world organization is, whether one wishes it or not, to adopt a political position. Were it desired to produce an effect in this sphere, it would be necessary to descend into the arena of nations and parties. In order to exert its influence, the Red Cross would have to discuss the military budgets of States, take up a position on the subject of armaments and disarmament and, generally speaking, support or oppose a number of political measures. If the Red Cross were to launch itself in this way into a struggle for which it was not designed, it would be courting rapid destruction. Any initiative of this nature would lead it into a labyrinth from which it could only extricate itself by violently taking up a position in the matter, and that would be incompatible with the confidence the contending parties must be able to have in it. On the other hand, other institutions, which have taken as their objectives the defence of peace and the organization of the world, are not limited in the same way, but are free to act without reserve. In the crusade against war, everyone must, as we see, fight with the means available to him and with his own particular weapons.

Let us turn now to neutrality in regard to religion. This has been a ruling principle of the institution since its inception

---

<sup>1</sup> War does not mean the triumph of the best, but of the strongest or the most unfair.

and has never been disputed. Although the founders of the Red Cross were themselves animated by a Christian spirit, they wished from the first to set up a purely undenominational institution free from all religious influence. One cannot indeed conceive of any other course being possible, as the movement was destined, by its very nature, to be a universal one. Did it not have to devote its care to men of every race and nationality, and every creed? And was it not also necessary for it to group everyone who volunteered his help beneath its flag?

It is quite clear, however, that the official character of the institution in no way restricts its members' individual freedom in religious matters. As Max Huber said <sup>1</sup>, the Red Cross is neutral in religion, and must always remain so. Whether the charitable motives that prompt its collaborators' participation are of religious or other inspiration, is their exclusively personal affair, shut in the silence of each conscience and never outwardly stressed". Every servant of the cause must, in fact, be able to search his own heart, reason or beliefs for the inspiration which will guide him in his charitable calling, and find there the strength to support him through the vicissitudes of what will often be an arduous mission. Moreover, the strict attitude of reserve which servants of the Red Cross are bound to observe in their work, in no way alienates the right of each of them to opt for one dogmatic conception or another, or to argue in favour of his personal opinions in his private life. Our remarks on the subject of religious neutrality also apply to any other philosophical or ideological system.

At this point it will be well to recall shortly that the red cross on a white ground—which is at one and the same time the protective sign instituted by the Geneva Conventions and the emblem of the Red Cross movement—is entirely neutral. This has been stated by those who can speak with the greatest authority <sup>2</sup>. The Conferences which created the sign deliberately intended it to be universal and bereft of all national or religious

---

<sup>1</sup> *The Good Samaritan*, p. 29.

<sup>2</sup> See the opinions cited in the *Commentary on the First Geneva Convention of 1949*, by the same author - Geneva 1952, p. 303 et seq.

significance. In adopting this attitude they were merely bowing to an absolute necessity, since the flag, like the movement itself, has to rally to itself men of all nations and all convictions. The reversal of the Swiss Federal colours produced a new emblem, with only one meaning, but one which was in itself of immense importance : help for the sufferer, whoever he may be. So much having been said, there is nothing to prevent Christians who work for the Red Cross, from associating this cross with the Christian cross in their own minds ; but such an interpretation would, needless to say, remain a purely personal one and could not in any way affect the neutrality of the institution.

There is, finally, no doubt at all that the Geneva Conventions, and everything in them, are strictly neutral in the sense in which the term is used here, from the mere fact that they form part of public international law. In the words of Professor P. Guggenheim : “ The acceptance of a rule as a provision of international law implies that it is consonant with the aspirations and common ideological bases of the civilized world. Treaty law is therefore bound to be a secularized, undenominational law, unaffected by religious doctrines. It cannot be otherwise, if one considers the variety of moral and religious conceptions found in the different communities which make up international society ” <sup>1</sup>.

(3) Neutrality denotes the attitude which the International Committee of the Red Cross observes voluntarily vis-à-vis States. The Committee treats the Powers on a footing of complete equality : it keeps at the same distance from each of them, expresses no opinion in regard to their legality, and refrains from passing judgment on their policies ; in its relations with them it follows the customary rules of international courtesy.

It will be pointed out to us that States as such are not, after all, a matter of concern for the Red Cross, that its interest is not centred on them : for the Red Cross only sees suffering men, the victims of events. That is true. But such men are in the power of States and, in order to reach them and relieve their

---

<sup>1</sup> Professor Paul GUGGENHEIM : *Traité de droit international public* — Geneva 1953, I, p. 16.

distress, it is necessary to obtain the consent of the responsible authorities and entertain with the latter the continuous and confident relations which arise through day-to-day cooperation. This form of neutrality cannot, therefore, be regarded by the Red Cross as a motive for action on its part. It is, on the contrary, a practical condition, secondary in importance, derived from the movement's general aims and set by the circumstances peculiar to any conflict. It enables the International Committee of the Red Cross to attain its object. This conception is not, however, without importance or value. It is a fruit of reflection. It resembles, to some extent, the attitude of a sage who excludes all judgment, the taking up of any definite position. The International Committee, here as elsewhere, will hold unswervingly to one course. The future of its work depends on this. Even if the organization of the world were one day to do away with the institution of political or military neutrality, a neutral humanitarian agent would still be needed to assist the war victims who have fallen into enemy hands.

Neutrality must be shown to be complete and unreserved so far as the actions of the institution and of its agents are concerned. On the other hand, it does not mean that a Red Cross worker must abjure his own sympathies or convictions; he is entirely free to form his own opinion. It demands, however, that he should hold himself somewhat aloof from politics and exercise restraint in expressing his opinions, the more so the more responsible the post he holds.

Neutrality also implies that the International Committee must always be open and perfectly straightforward in its dealings with the belligerents, even if the latter do not do as much for it. The Committee will therefore only perform tasks which are authorized, or at least tolerated, in the countries where they must be carried out. It will not resort to roundabout or clandestine methods, and, whenever the circumstances or the matter dealt with so demands, it will observe the most complete discretion with regard to the representations it is making or the negotiations it is conducting between different Powers. So far as the Red Cross is concerned the end does not justify the means. This attitude has not always been understood. It is

nevertheless necessary, as only a tradition of absolute straightness can command confidence and respect. What is lost at the time is regained a hundredfold later on.

We have said that the Red Cross treats all States on a footing of equality. That means that it will display the same readiness to assist each one of them. But, obviously, if its intervention is not necessary in the case of one of the belligerents, or if the latter declines its offers of help, the International Committee will be fully justified in acting solely in the camp of the opposing party, and this will not entail the slightest breach of neutrality.

Let us now consider the main tasks of the International Committee in relation to its neutrality. Viewing its complex work as a whole, one can distinguish several essentially different functions. In its relief work, first of all, it applies the rules, applicable to the whole of the Red Cross, which we have analysed throughout our survey. It does not have to make any pretence of observing neutrality in distributing relief. It was an erroneous interpretation of the idea of neutrality which made the International Committee think, during the civil war in Spain, that it had to share out its consignments equally between the two parties to the struggle. The truth is that charitable aid is not given to States, but only, and this should be stressed, to suffering men. And, as we showed when studying the principle of due proportion, the only valid criterion which the Red Cross can adopt in distributing its benefits is the relative importance of individual needs and their degree of urgency.

We come next to one of the tasks specifically entrusted to the International Committee—its role as a neutral intermediary between the belligerents. In this capacity it is responsible for transmitting all proposals of a humanitarian nature—whether emanating from one of the camps or initiated by the Committee itself—and for negotiating any arrangements between the parties which may tend to improve the lot of the war victims. In such work, a neutral attitude towards the States is a decisive factor in gaining their confidence, which the Committee must enjoy.

In the third place, the International Committee tries to see that the Geneva Conventions are properly applied and due

protection afforded to persons in enemy hands<sup>1</sup>. It does so, in particular, by visits which its delegates make to prisoner-of-war camps. In this role, the Committee may, perhaps, be acting more in its capacity as an agent who is specifically neutral towards the Governments concerned than as a Red Cross body. Although neutrality is not absolute in this case, it predominates and is added to the impartiality observed. The Committee communicates to the Powers the points noted by its agents during their inspections, together with any observations or representations which it feels obliged to make. It thus appraises the facts and does not reserve its judgment. But as these representations to the responsible authorities are always made discreetly, and under a mantle of reciprocity and objectivity, they do not affect the Committee's neutrality or prejudice its other missions.

Reference should, finally, be made to the role—almost that of a judge or arbitrator—which some people would like to see the International Committee play in connection with alleged violations of humanitarian law. Is such a role compatible with the essential neutrality of the Geneva Committee? The people who thus bear flattering witness to the authority which it enjoys in their eyes are sometimes astonished at the prudence which the Committee feels it necessary to show in such a connection. It is quite clear, however, that in so far as it set up for a judge, it would in that same measure be abandoning its voluntary neutrality. We showed earlier on that it was not possible to be at one and the same time a champion of legal justice and of charity: it is necessary to choose. And the Red Cross has chosen to be a charitable institution. That is why, when protests concerning a violation of the Conventions or of the great principles of humanity are referred to it, it must confine itself to passing them on to the party called in question, requesting investigation and a reply. In most cases, moreover, the Committee is not in a position to form an opinion on the

---

<sup>1</sup> Supervision, in the strict sense of the term, is exercised by the Protecting Powers, neutral States responsible for representing the interests of one belligerent within the territory of the adverse Party.

facts advanced, nor to make the necessary enquiries into what actually occurred.

For the same reason the International Committee has refrained from making public protests about specific acts of which the belligerents are accused. There again charity has been regarded as more important than man's justice. For experience has shown that demonstrations of this kind may well, for an illusory result, jeopardize the work of relief which the Committee is in a position to carry out. Besides, such gestures are most often made for reasons of prestige or from a desire to soothe one's conscience at little cost to oneself. True courage consists rather in acting silently, at the risk of being slandered.

It is, finally, for this same reason that the Committee can only take part in an investigation into alleged breaches of international law in exceptional cases and after surrounding itself with all the requisite safeguards. In order that it may do so, both parties must officially accept its intervention, and the latter must not be liable to jeopardize its work taken as a whole. Nor could the Committee ever itself constitute a court of arbitration or court of inquiry; it would confine itself to appointing one or more qualified persons from outside its own ranks<sup>1</sup>. It would, moreover, have to be quite certain that its assistance would not be utilized for political ends or to stir up hatred between the nations.

(4) Neutrality characterizes the nationality of the members and staff of the International Committee of the Red Cross, and also, naturally, those of the National Societies of countries which are not engaged in the struggle. The International Committee finds this neutrality the essential basis of its action in time of war, civil war or internal disturbances. Thanks to it the belligerents have one more practical guarantee of the Committee's independence; they know that the latter will not take unfair advantage of the facilities and liberties they

---

<sup>1</sup> Only on three occasions has the International Committee been requested by a Government in recent times to participate in the setting up of a court of inquiry. In none of these cases has the inquiry been held, one of the parties having each time refused its consent.

afford it ; they can have complete confidence in it. Here again, neutrality is not an ideal to be aimed at, but an existing fact ; it is not an end in itself, but a means, a condition. It is nevertheless absolutely essential that this condition should be fulfilled, in order that the International Committee may carry out the mission entrusted to it.

The Committee is not, however, in time of war, the only Red Cross organization entirely made up of neutrals. The same thing is true of the National Societies of countries which have remained outside the conflict. Among the tasks which such Societies may carry out in that capacity, we must mention, first and foremost, the assistance in the form of personnel and equipment which they may, according to the Geneva Convention, lend to the Medical Service or Red Cross Society of a belligerent. Neutral voluntary aid, of which Henry Dunant and Louis Appia were the pioneers, is fully in accordance with the Red Cross ideal. How can one avoid admiring the men and women whose devotion to the cause of humanity is so great that they abandon the security and comfort of a country spared by the hostilities and go to assist the victims of a conflict in which they have no part? The First Geneva Convention of 1949 underlined the fact that such assistance can under no circumstances be regarded as interference in the conflict, that is a breach of neutrality. Since Red Cross Societies are not international in character, it is not necessary for their help to be given to both sides ; it may be lent to only one of them. This may be regarded as a concession to the partisan spirit which often characterizes private charity. But the National Societies will find, above all, that it allows them to apportion their assistance in the Red Cross spirit, that is to say, bearing in mind only the needs of the persons to be helped and not observing the inhuman equality which the neutrality of States demands. Since medical assistance by neutrals has on several occasions, and even very recently, given rise to misinterpretations and criticism due to ignorance or ill-will, it was necessary to be explicit and remove all doubt on the subject.

In some cases the National Societies of neutral countries have been able to play the part of a go-between akin to that

played by the International Committee. But it is a role which devolves *par excellence* upon the latter, for whom it is a matter of a long tradition and vast experience—a subject in which the Committee has really specialized. Besides, the National Societies are tied down to tasks which they carry out for the benefit of their own country, especially if the latter is drawn into a conflict, while the International Committee is completely free from such cares. The International Committee is, finally, recruited exclusively from among the citizens of a small country where the Red Cross originated and where it now has its headquarters. The country we speak of has been neutral for centuries past by the firm will of its people, who regard perpetual neutrality as one of the essential guarantees of their independence and do not intend to forgo it at any price. The country in question cannot and does not wish to play a political role in the world. The neutrality of Switzerland has, moreover, been recognized, by the Treaties of 1815, as a principle of international law consonant with the interests of all Europe. In 1920, it won Switzerland a special status within the League of Nations. And today, there is no international authority which can affect its sovereignty and, consequently, its neutrality.

After the Second World War it was suggested by certain people that the International Committee of the Red Cross should open its ranks to representatives of countries, other than Switzerland, which had remained neutral during the conflict. Others recommended a sort of union between the International Committee and the League of Red Cross Societies. These proposals were withdrawn by their authors themselves when they had studied the question in greater detail. Experience has shown that in wartime, organisations with an international membership find it difficult to maintain relations with both belligerent parties, or even, in most cases, to call together their general meeting ; they would be even less able to act as an independent intermediary between the parties. The presence of representatives of the contending countries within an association does not necessarily lead to a balancing-out of extremes nor to anything remotely resembling neutrality. If the International Committee were formed of nationals of several different countries,

the degree of neutrality accorded it would only be that of the country whose neutrality was most doubted.

(5) It has been maintained by some that a sort of "absolute neutrality" of the Red Cross might exist, in virtue of which members of the movement would rise above national contingencies. In other words, membership of the Red Cross would in itself create a neutral status which would replace that of belligerency. Representatives of the National Societies of countries at war should, it is said, be able to maintain direct working relations with the Red Cross of the opposing countries and move about freely in the latter's territory.

This theory does honour to its authors, inspired as they are by a high ideal, and one can only hope that it may one day take shape. But we are obliged to note that, as things are at present, it remains purely a mental picture, and it is always dangerous to build upon a myth. To give it some reality, nothing less would be needed than to change human nature. The Red Cross opens its ranks to everyone, as we shall see later. It is not, therefore, made up only of sages and saints, and the loftiness of its principles is not enough to transform human beings. But even supposing that there were, in each National Society, people capable of freeing themselves, in wartime, from their national ties and attaining perfect serenity, that does not mean that the adverse party would necessarily accord them the complete confidence which they would need in order to carry out such a very special mission. In case of war, all links between the contending countries are broken: their citizens can no longer consort with enemy nationals; correspondence no longer crosses the front. What is more, the authorities are increasingly suspicious and everyone is on the look-out for spies. One cannot conceive of a State authorizing nationals of the opposing country to move all over its territory.

During the Second World War, the chairman of the Red Cross of one of the principal belligerents expressed the hope that he would be able to establish direct contact with the chairman of the Red Cross society of their main opponent and receive a visit from him. But the plan was never put into

effect. Reference may however be made, in the same connection, to a journey made at the beginning of the war by Dr. T. W. B. Osborne, delegate of the South African Red Cross. While he was in Geneva, where he had come to establish contact with the International Committee, the German forces extended the area under occupation, surrounding Switzerland. The International Committee was able to arrange for Dr. Osborne to return to his country via enemy territory, accompanied however by a representative of the German Red Cross. Otherwise all contacts between the contending nations took place through the intermediary of neutral bodies in the legal sense of the term: that is, the Protecting Powers, the International Committee of the Red Cross, or Societies belonging to a neutral country<sup>1</sup>.

In conclusion, National Red Cross Societies, as can be seen, are not and ought not to be neutral. They treat men on an equal footing, and that in itself is of great significance.

Having reached the end of our analysis, we see that it is in its first and second acceptations that neutrality can be set up as a fundamental principle valid for the Red Cross as a whole. In its other aspects, it is also of great importance, but it is then essentially the concern of the body within the Red Cross movement, which is neutral *par excellence*: the International Committee.

Jean S. PICTET

*(To be continued.)*

---

<sup>1</sup> We do not, however, wish to exclude in any way, the possibility of meetings on neutral territory attended by representatives of opposing countries, as suggested in the Geneva Convention of 1949 (Article 11). In 1917 and 1918 some ten agreements, mainly concerned with the treatment of prisoners of war, were concluded in this manner. The delegates usually sat in two separate halls, a neutral person going from one to the other to transmit the proposals made.