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SUPPLEMENT

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# RED CROSS PRINCIPLES

## VIII

### 7. Universality

**The work of the Red Cross must extend to all men, and all countries.**

The notion of universality contains two ideas—that of reaching everyone and that of spreading everywhere<sup>1</sup>. The first has a very special meaning for the Red Cross; for the institution's ideals demand that it should open its arms to everyone who asks for its help. As we have already said, love of one's fellow man, in its ideal form, embraces all men, whoever they are. The principle of universality thus follows, as a natural and necessary consequence, from those of humanity and equality. The really distinctive feature of the Red Cross, where its merit may perhaps lie, is that in its own sphere it has achieved in practice the universality which most advanced civilizations, and even religions, have conceived but not been able to attain. Understood in this sense, universality is truly one of the aims of the Red Cross movement.

The second idea—that of spreading to all countries—follows from the first. In order that relief action may reach everyone, it must be carried out on every portion of the world's surface. In this sense, universality is a means to an end. As the Red Cross marches on, it should not encounter obstacles

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<sup>1</sup> We shall see in the second part of our survey that it must also be possible for the Red Cross to be the work of everyone.

or frontiers. No place must be out of its reach. It must be able to explore every nook and cranny of the vast world of suffering, where all men are brothers.

There were two possible ways for the Red Cross to attain universality: by federalism or by unity. In other words, was the movement to ensure that its action spread everywhere by relying on the nations of the world and having recourse to their intermediary or, on the other hand, by trying to secure the direct adherence of individuals to a single organization? From the start the Red Cross adopted the first of these two courses. The variegated aspect of our globe, with its many different facets, was against unity. The movement, influenced amongst other things by the era which saw its birth, took its pattern from such a variety of nationalities, each bearing the imprint of sovereignties, cultures, political systems and its own national genius. Besides, and this may have been the main reason, members of the Red Cross in opposing countries are separated from each other when war breaks out.

The Red Cross accordingly laid its foundations step by step on a national basis, and it is no doubt because they are securely established on that basis that the edifice stands so firmly. From the beginning the National Societies were set up as independent organizations free to manage their own affairs. The Red Cross Charter, drawn up by the 1863 Conference which brought the Red Cross officially into existence, states the matter thus: "Each country shall have a Committee... The Committee shall organize itself in the manner which seems to it most useful and appropriate". The International Committee in Geneva, for its part, has never claimed any right to exercise control. Like it, the International Conference and, more recently, the League exercise a purely moral authority over the member Societies<sup>1</sup>.

For the greater part of its history, the various bodies which together form the Red Cross were only linked together by

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<sup>1</sup> In 1927, the National Societies of the Scandinavian countries withdrew from the League—though only for a short time—as they considered that the powers which it was intended to give to the Board of Governors were too wide.

their common aims and hopes. It was not until 1928 that the International Red Cross was set up under that name as an organized group of bodies with its own Statutes. Nevertheless this ingenious edifice, which was improved still further in 1952, only established flexible and fairly loose ties between its members, leaving each the largest possible measure of autonomy. The unity achieved remains purely symbolic.

The principle of universality does not apply to the National Societies, considered individually, at any rate not at their present stage of development. As we have already said, nobody expects them to scatter the whole of their resources about the world. Their mission is first and foremost a national one, and although, recognizing the bond of fellowship which unites them, they give each other mutual aid, such action is voluntary and on a relatively modest scale. On the other hand, the principle of universality applies to the Red Cross considered as a supra-national institution. The international Red Cross organizations are the only ones whose action does not in theory know any geographical limits.

Within the frontiers of a country, however, the work of that country's Society must be, not universal—for that would be the wrong term—but total or general in character, as we shall see later. According to the "Conditions for Recognition", every Red Cross Society must "extend its activities to the entire country and its dependencies".

Through the combined action of these two elements, the Red Cross was thus in a position to cover the whole field of human society. Has it managed to do so in actual fact? From the geographical point of view, the Red Cross is practically universal. There are today seventy-four National Societies, which means that there is one in every country in the world, with a few rare exceptions<sup>1</sup>. Does that mean that the Red

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<sup>1</sup> The countries in which no Red Cross (or Red Crescent) Society has yet been formed are very few in number. They are, in the main, a few States in Arabia, and also Nepal and, so far as we know, Mongolia. In certain other countries, such as North Korea, the Indo-Chinese States, Israel, Liberia and Libya, Societies are in process of being formed, or else already exist but cannot, for one reason or another, be recognized officially.

Cross can really get close to all the suffering which it has made it its object to relieve? One cannot be sure that it can. Every human undertaking has its limits and imperfections. The results achieved by the Red Cross in less than a century are already considerable. But a vast area has to be covered and there are further conquests to be made. Moreover the ground gained on the surface has still to be exploited in depth. What really matters is that the Red Cross is striving ceaselessly with all its force to attain universality. That is the way in which this principle will acquire its full significance, and become universal in the strict sense of the word.

The national character given to Red Cross Societies, their independence in relation to one another, and the fact that they have been left free to organize themselves as they think fit, all mean that the Societies of different countries vary considerably today in their structure and size. But they nevertheless have many features in common, owing to the conditions set for their recognition as members of the International Red Cross—conditions for ensuring the fulfilment of which the Geneva Committee has always been responsible. Those conditions refer expressly to the principles of the Red Cross. That is the essential bond between the organs of the institution. That is where its universality really lies. The very idea of universality implies identity in certain respects. The name and emblem of the Red Cross can only have one and the same meaning everywhere. Being unable to achieve unity in the material sphere, the Red Cross has created it in regard to its ideal. For we must again emphasize here that everyone can acknowledge that ideal, whatever his views on life and man's destiny.

For the Red Cross, universality does not merely mean spreading to all countries: it must also reach smaller units, such as the parties to a civil war, which cannot be allowed to escape its influence. Nor is that all: the universality of the institution is not expressed only in terms of geographical areas, but extends to all circumstances which may occur and to all classes of people who need its help. As Max Huber said, in the eyes of the Red Cross there is no legal no man's

land ; once a territory has been won over to the Red Cross, it must no longer be possible for its inhabitants to be deprived of the institution's help. In cases in which the International Committee is called upon to act, for example, it does not consider the degree of legality of the parties involved in the struggle, nor the status which their authorities agree or refuse to accord to one another ; where necessary it departs from legal forms and acts through unofficial channels, in order to be present wherever suffering would otherwise go unrelieved. The Red Cross must be able to go wherever human beings are in suffering. It does not serve the interests of a State as such, but only those of human beings in distress.

It is easy to understand, therefore, that the International Committee has always sought to secure the widest possible application of the Geneva Conventions.<sup>1</sup> The original Convention, that of 1864, very quickly became universal. The Convention has retained that character ever since, and that has been one of the main factors which give it its value and force. In 1949 considerable progress was made in extending the field of application of the Geneva Conventions. They now cover the civilian as well as the military victims of wars. Moreover they will be applicable in future not only in the case of a regularly declared war, but as soon as hostilities break out between two States. Finally, in cases of conflict within a country the Parties to the conflict are at least bound to observe the essential rules of humanity.

Universality has a solid prop, a sure warrant, in what is termed *reciprocity*, that is in the fact or hope of obtaining a similar advantage from some other party in the same circumstances. Reciprocity is naturally of greatest importance in wartime, in connection with military or civilian prisoners who are held captive on either side of the line of fire.

Reciprocity is not in any way a Red Cross principle ; it is only a practical means of action, based on the most realistic,

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<sup>1</sup> The universality of the Red Cross is, incidentally, bound up with that of the Geneva Conventions, since the rules only allow a National Society to be recognized in a country where the Conventions are in force.

not to say down-to-the-earth, outlook. The ideal, on the contrary, would be for humanitarian action in each country to be on as wide a scale and as efficient as possible and for the position of those in captivity to be as favourable as could be, even if the opposite side failed to come up to the desired or agreed standards.

The question which arises straightaway is whether the application of the Geneva Conventions is, or is not, subject to reciprocity. In other words, is a belligerent freed from his obligations if his opponent fails to observe the Convention's clauses?

It is generally agreed that where the terms of a treaty are not carried out by one of the parties its annulment is justified, as it would be in the case of a contract in Common Law. But that cannot apply to the Geneva Conventions: they remain valid in any event. One cannot, for example, conceive of a belligerent deliberately ill-treating prisoners or putting them to death, simply because its adversary had been guilty of similar crimes. Whereas most treaties are intended to safeguard the interests of the contracting States, humanitarian law has an essentially different and infinitely superior purpose: it determines the lot of individual men and women<sup>1</sup>. There is no question here of exchanging benefits; for the Conventions are a collection of objective rules proclaiming, in the face of the world, the humane safeguards to which everyone is entitled. Such rules are merely a codification of the usage of civilized nations. Every country binds itself *vis-à-vis* itself as much as it does *vis-à-vis* other countries. There is no question here of commercial profits, but of human life. And man is not naturally inclined to give others rights over his life, or to allow the State to dispose of it as it disposes of its natural resources. Consequently, any treaty which protects man in this respect will win individual support and may respond to

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<sup>1</sup> For further study of the idea that international law is by no means only concerned with the settlement of international relations, but very largely also with the protection of the individual, we would refer the reader to the very full survey by Professor Maurice Bourquin: *La position de l'individu dans l'ordre juridique international — Revue internationale de la Croix-Rouge*, November and December 1954.

a unanimous desire, which will carry all before it. Besides, for a belligerent to abrogate a Convention on the ground that the enemy had broken its clauses, would be equivalent to taking reprisals. But the Geneva Conventions formally prohibit any form of reprisals against the persons they protect. And in spite of the brutality of men there are well known examples of respect of this kind for one's pledged word, even where there was no such action by the other party.

It is nevertheless true that the proper application of the Geneva Conventions would be greatly facilitated by the existence of a positive form of reciprocity, or in other words, if the Conventions were put into practice by both belligerents or even, need it be said, if there were a certain balance of mutual humanitarian interests on either side of the front. Experience has shown how difficult it is for Protecting Powers—and even for the International Committee of the Red Cross, whose action is more particularly universal in character—to play their respective roles under the Geneva Conventions when the opposing side refuses to accept their intervention and avoids all scrutiny. Being unable to resort to the powerful weapon of reciprocity, their credit wears thin. The same phenomenon is to be noted, but in a less marked degree, when only one of the Parties holds prisoners of war in large numbers or when one of the Parties takes no further interest in those of its nationals who are held prisoner by the enemy.

The special work of the Red Cross in wartime is, as we know, based on the goodwill of the countries at war, and it also depends to a large extent on their understanding of where their mutual interest lies. This is the case where the International Committee is concerned, since the Committee must depend on the general consent of the belligerents, and often on their consent in particular cases, in order to carry out its various activities and receive the necessary co-operation. In the same way where any advantage has been accorded over and above the minimum requirements under the Conventions, an appeal to reciprocity is the most obvious way of obtaining equivalent advantages from the other side. Nothing is more contagious than example. The work of the Red Cross as a whole will

thus find a valuable adjunct in reciprocity, whereas any lack of universality will, on the other hand, have unfortunate repercussions in other countries and so diminish the chances of relieving distress.

Attention must, finally, be drawn to a grave and difficult problem. The National Red Cross Societies of different countries are, as we have seen, very differently constituted. The deep bond uniting them, the common denominator which really marks their universal character, is the intention they have all expressed of adhering to the fundamental and permanent principles of the institution, which form an indivisible whole. The very notion of universality implies identity in certain respects. The name and emblem of the Red Cross can, we said, have only one meaning. But what would happen if one Red Cross organization or another rejected these principles, or even a single one of them, and no longer regarded them as the common basis?

Some people will feel that too high a price would be paid for a pure façade of universality if it were preserved by renouncing something which is its very essence and by weakening the movement through the inclusion of heterogeneous elements. The Red Cross should be universal, it is true, but it must also and above all remain the Red Cross. Otherwise there would simply be contradiction in terms, as though a man were to claim to be an Aristotelian without acknowledging Aristotle's doctrine. A Red Cross Society which strays from the right path may nevertheless relieve the distress of at least some of those who are suffering in its country; but could not its task then be carried out just as well by a Health Service or a charitable society, without any reference to the Red Cross or its emblem?

Others will reply that the Red Cross must beware of any tendency to be hide-bound, that its essential function is to unite and not to divide, that it promotes understanding between the nations and must be tolerant and indulgent to human weakness and error. If a Red Cross Society were to deviate from the fundamental principles of the institution, it would

doubtless do so, they say, under the influence of official doctrines which it could not disregard if it wished to carry on even part of its humanitarian work. Would it not be better to have an imperfect Red Cross Society in every country rather than have no Red Cross at all? They will also point out that a breach of universality, even if that universality were more apparent than real, might have very serious consequences, that the Red Cross would thus lose one of its proudest possessions, and that very careful reflection was necessary before taking the responsibility of such a step.

What is the real answer? In our opinion a problem like this can only be solved by applying the "Golden Rule" to which we refer later, a rule the Red Cross must apply whenever it is faced with a dilemma: one must ask oneself where the interest of the victims lies. The good of the human beings who are to be relieved will alone determine the institution's attitude to each National Society and enable it to decide whether the latter can claim that title. The question will thus depend on each individual case. Is it not, after all, by the assistance it gives that a Red Cross Society reveals its true nature?

The matter will be considered more particularly in the light of the situation which would exist in wartime; for war is the crucial test so far as the Red Cross is concerned. During the Second World War, for example, the fact that the International Committee maintained *de facto* relations with certain Red Cross Societies set up under the aegis of the Occupying Powers was not always understood; it is true that their legitimacy was open to question. What was forgotten was that those *de facto* relations represented the only possible chance of giving assistance to persons detained in those countries. The International Committee has never sacrificed or jeopardized humanitarian interests for the sake of appearances or for reasons of prestige.

JEAN S. PICTET

(*To be continued.*)

# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## COMPENSATION FOR FORMER PRISONERS OF WAR

### **An important task undertaken by the International Committee**

The International Committee of the Red Cross frequently receives enquiries from former prisoners of war in the hands of the Japanese forces as to when and in what form they will receive the compensation to which they are entitled under Article 16 of the Peace Treaty with Japan.

It may serve a useful purpose to recall that, with a view to the indemnification of prisoners of war who suffered undue hardship during their captivity, Japan, under this article, undertook to hand over its assets in neutral or ex-enemy countries. Those assets, or their equivalent, are to be transferred to the International Committee of the Red Cross, which will be responsible for distributing them to the various appropriate agencies for the benefit of the victims of captivity.

The International Committee of the Red Cross has never ceased its efforts to expedite, as much as possible, all the work involved in implementing the measures provided for in Article 16, but many and serious difficulties have had to be overcome, which the public, naturally, has difficulty in appreciating.

Hence, with a view to complying with the requests for information received, the International Committee wishes to state briefly in this letter the problems that have arisen and which have had to be solved before the work could reach its present stage.

Since the funds for indemnifying former prisoners of war were, under Article 16, to derive from Japanese assets in neutral or ex-enemy countries, the first step was to find out where those assets were located and what they amounted to. The Governments of the United Kingdom and the United States undertook to make the necessary investigations. That was a matter which needed tactful handling, and the work could not be completed before the end of 1952.

As soon as the Treaty had been ratified, the International Committee expressed the wish to examine, in conjunction with representatives of Governments and with the least possible delay, the various problems raised by the application of Article 16. That suggestion could not, however, be carried out until the inventory of Japanese assets had been completed.

In March 1953, the representatives of the various beneficiary States under Article 16 met and set up a Working Party, which took a number of decisions as to the methods to be adopted for carrying out its provisions. It was agreed that the share of Japanese funds attributable to prisoners of the various nationalities should be strictly in proportion to the number of prisoners of each nationality. The question of the criteria to be used in the subsequent distribution at the national level was left for later discussion and agreement between the International Committee, on the one hand, and each of the national agencies referred to in Article 16, on the other.

The Governments then initiated negotiations with the Japanese Government through the appropriate channels, with a view to obtaining from that Government payment of a sum equivalent to the total amount of those of its assets to which Article 16 applies. Once again, owing to their complexity and, more particularly, the need for action on the part of other States, such as those which were the provisional holders of Japanese assets, these negotiations took time. It was not until November 1954 that an agreement could be concluded with the Japanese Government by which the latter undertook to transfer an amount of four and a half million pounds sterling to the International Committee of the Red Cross in May, 1955. That payment was duly made and the amount added to a sum

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of two and a half million dollars, representing the value of Japanese assets in Thailand, which had already been transferred to the International Committee in the summer of 1953.

During this same period, the International Committee requested the beneficiary States, and the latter agreed, to produce complete lists of their former prisoners of war in the hands of the Japanese forces to be used in determining the total number of prisoners of the various nationalities involved. The production of these lists is the main source of the delay in carrying out the provisions of Article 16, since several States have not yet sent the International Committee of the Red Cross complete lists. These are, however, important documents which the International Committee cannot do without. When received, the lists are submitted to certain checks which have revealed quite a large number of mistakes and, more particularly, the inclusion of persons ineligible under the terms of Article 16. Their names must, of course, be deleted.

Sometimes these checks involve appreciable alterations in the numbers reported and the International Committee, which is responsible for looking after the prisoners of war's interests, is, therefore, anxious to complete the checking so as to be able to draw up as equitable a plan as possible for the distribution of the funds to the various nationalities. Should, as is to be hoped, the Governments of the beneficiary States submit their final lists of prisoners to the International Committee at an early date, the work of checking could be finished in a few months' time. The distribution plan could then be approved by the Working Party, and actual payment of compensation could begin.

To save time the International Committee, as early as the beginning of this year, approached the various national agencies with a view to examining with them the methods of distribution to be adopted by each individual country. These plans will probably be ready by the time the sharing out of funds to the various countries has taken place.

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# INTERNATIONAL RED CROSS

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## MEETING OF REPRESENTATIVES OF NATIONAL SOCIETIES

The representatives of more than thirty National Red Cross Societies, who are at present in Geneva for a normal meeting of the Executive Committee of the League of Red Cross Societies, visited the headquarters of the International Committee on May 11 1956. The Committee gave them information about the activities on which it is now engaged in the field, and also about the work it is doing in connection with the legal protection of the civilian population from the dangers of indiscriminate warfare.

A most interesting exchange of views on this latter subject took place, and the delegates from the National Societies of Great Britain, the United States, the USSR and Belgium explained their points of view. M. André François-Poncet, President of the French Red Cross and Chairman of the Standing Commission of the International Red Cross Conference, pointed out that the Red Cross movement could not admit the principle of total or indiscriminate warfare, and that support should be given to the International Committee in its efforts to persuade Governments to agree on a delimitation of the methods and means of waging war. This theme will doubtless be the main subject of the next International Red Cross Conference which will take place in New Delhi at the beginning of 1957.

We may mention certain other details which give an idea of the extent of the ICRC's activities: in Geneva the Central

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Prisoner of War Agency still receives an average of 5,000 requests for information every month, which obviously involves the same number of replies and the opening of numerous enquiries ; the work of re-grouping dispersed families is being continued with the active and understanding collaboration of various national Societies ; the ICRC, which is responsible under Article 16 of the Japanese Peace Treaty for administering a fund of 63 million Swiss francs derived from Japanese assets abroad, will soon be in a position to distribute this sum to some 225,000 ex-prisoners of war who were held captive by the Japanese ; a travelling mission from the ICRC is at the present time visiting countries in the Middle East for the purpose of studying and trying to settle problems of a humanitarian character raised as a result of the tension between Israel and various Arab States ; another mission is now in the Far East ; ICRC delegates have just returned from Morocco, Tunis and Viet Nam, while one delegate is still at his post in Hanoi.

At the above meeting, the President of the Alliance of Soviet Red Cross and Red Crescent Societies announced that the Alliance had recently decided to participate in the financing of the ICRC's activities.

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