



REVUE
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DE LA
CROIX-ROUGE

SUPPLEMENT

CONTENTS

	Page
Jean S. Pictet : Red Cross Principles (III) . . .	187
Standing Commission	196
Meeting of Representatives of National Societies	197

RED CROSS PRINCIPLES¹

II.

2. Equality

The Red Cross is ready to come to the help of each individual, equally and without any form of discrimination.

The principle of equality has not until now gone by that name in the doctrine of the Red Cross. All that the summary of the fundamental principles refers to is the equality of the National Societies, which is an organic principle of the institution. The equalitarianism of the Red Cross in its relations with men has been expressed by the term impartiality, but that does not convey the exact meaning. For as we shall see later, impartiality is a quality of mind found in a man who is called upon to act, and thus relates to the subject, not the object. In reality, impartiality presupposes the existence of recognized rules which must be applied impassionately and with an open mind. So far as the Red Cross is concerned, there are two such rules—the principle of equality, which we are discussing here, and the principle of due proportion which we shall study in the next chapter.

In actual fact, men are obviously not equal when compared with one another: anyone can see how different they are in their physical, intellectual and moral qualities and the place they take in the world. But civilized nations agree in recognizing that all men have *one* quality in common, which may be said

¹ See *Revue internationale*, August 1955.

to depend on their common origin. They appear to each of us as "fellowmen"; they all belong to the privileged species which, rising above all other creatures, has mastered the world; they have within them the spark which gives man his essential value: namely thought ¹.

The question we have to consider here is not, however, the equality of human beings, but the equality of the treatment they are given ². The Red Cross has no pronouncement to make on an abstract and general thesis: the only problem it must face concerns the people who need its help. In the absence of the natural equality that fate has refused him, man's deep longing for a greater measure of justice makes him hope to be given equal opportunities and equal standing ³. He is led by a sense of equity to extend these benefits to human beings as a whole, and is prevented by a spirit of humanity from excluding even those whom he hates. This has given birth to the idea of non-discrimination, which is the ultimate result of the desire for equality and proceeds, as we shall see later, from both justice and charity.

We shall define discrimination as between men — a new term, always used in a pejorative sense — as a distinction or separation practised, to the detriment of certain individuals, simply because they fall into a given category. The unequal treatment which results from such an attitude, either through action or failure to take action, will be called discriminatory treatment.

For the Red Cross, the principle of equality is closely linked with that of humanity. Love of one's neighbour, in its widest and highest form, applies to all human beings and demands that

¹ There are, too, various religions whose followers consider that men are brothers, being children of the same Father and called by the same destiny and to the same salvation. Certain philosophical schools, the Stoics for instance, have also proclaimed the brotherhood of man.

² Instead of speaking of the principle of equality, we might, therefore, have considered adopting the term equalitarianism.

³ Citizens are, for example, equal before the law — in theory at least — in nearly all parts of the world, and have received the same political rights. Discriminatory measures are, moreover, prohibited by the United Nations Charter and the Universal Declaration of Human Rights (see *Principal forms and causes of discrimination*, United Nations, 1949).

assistance be given to those in need. The equality of men vis-à-vis suffering is particularly striking: they are all equally sensitive to it; they are all exposed to it and have an equal right to seek relief. For this reason, the Red Cross shows the same readiness to serve any person, whoever he may be. In cases of equal distress, the aid given will be equal. But where the distress is not equal, the relief given to each individual person must be in proportion to the distress and conditioned by its urgency, as we shall show in the following chapter. For the Red Cross strives to reestablish equality between men, when suffering has upset the balance.

With the above exception, the principle of equality prohibits any objective distinction as between individuals¹. This requirement admits of no exceptions. From the first, on the battlefield of Solferino, Henry Dunant proclaimed it in its most extreme form—in the one most difficult to accept: “Enemy wounded must be cared for as one’s own”. In wartime, brutal passions are let loose and men behave like raging beasts to one another; two armies, two nations, gathering their strength for a prodigious effort, fling themselves into the shock of the conflict on which their existence will depend. Yet the Red Cross has succeeded from the first in having this imperative requirement of humanity recognized. It was actually created in order to secure its recognition. It is consequently inseparable from it, and could not exist without it.

It is particularly difficult to ensure that the above requirement is respected in cases of civil war or civil disturbances. In such conflicts the contending parties know their adversaries and have personal reasons for hating them. This is so true that only in 1912 an International Red Cross Conference refused to discuss the problem of the aid to be brought to the victims of civil wars, one of the delegates remarking that “the Red Cross cannot have duties to perform towards rebels, who can only be regarded as criminals”. Since then, the Red Cross Conferences have, fortunately, reverted to a saner conception of their duties and of the institution’s principles.

¹ Subjective distinctions are excluded by the principle of impartiality which we shall consider further on.

Within the confines of its own country, a National Red Cross Society will bring aid to all sufferers. Even those who are guilty will not be left without care and help if they are in need, apart from the punishment, legally inflicted upon them, to which they must submit. This position, which cannot be questioned, has sometimes been misunderstood, especially in the case of persons accused of political offences or war crimes, and the Red Cross has been accused of favouring the enemies of the State, or of humanity. It is purely and simply a case of misunderstanding. It is not for the Red Cross to take into account the merits or mistakes of the men who receive its help. It does not intervene in any way in the proceedings of the judicial authorities; for that is a sphere in which it has no competence. It is for the courts—and for them alone—to try and punish offenders. The action of the Red Cross does not interfere in any way with the essential right of the State to punish offences against the laws in force; it in no way impedes the regular course of justice. What the Red Cross asks is that everyone should be treated humanely. If an individual is guilty, he will be convicted and sentenced according to the law; but until that time he should be treated properly and receive such care as his state of health requires. The Red Cross is not concerned with war criminals because they are war criminals, but because some of them, as prisoners, need special protection or help.

The principle of equality has found expression in the Geneva Conventions from the very first. According to the original Convention of 1864, a soldier placed out of action by wounds or sickness must be protected and helped with the same diligence, be he friend or foe. In the successive versions of the Convention, up to 1929, it was only distinctions based on nationality which were prohibited, but since 1949, the new Conventions have ruled out all distinctions, extending this rule expressly to medical personnel, prisoners of war and civilians. The form of wording adopted, conforming to the terminology generally used today, prohibits all discrimination "based on sex, race, nationality, religion, political opinions or any other similar criteria". These last words show quite clearly that all differences in regard to

the treatment given, are prohibited. Other examples, just as striking, might have been cited, such as class, social position or wealth.

Even before then, the prohibition of such distinctions was quite obviously implied, but after the unfortunate experience of the last world war, it was thought necessary to refer to them specifically. It will be noted that the Geneva Conventions only prohibit "adverse" * distinctions. This term is not a happy one, as it is clear that individuals are being treated unfavourably if they are denied advantages that are given to others; but although the wording may be clumsy the idea it was desired to express is correct: certain distinctions are legitimate, and even necessary; they are those, as we shall see further on, which are based on suffering, distress or weakness; for that is the domain in which the Red Cross intervenes and modifies the lot of man, in an attempt to restore an equal balance, or at least provide him with a reasonable minimum.

The idea of relief brought without distinction to men is indissolubly linked with the Red Cross. The Red Cross has developed it and spread it throughout the world, brought it to maturity and given it a firm basis in international law. But the idea is not a new one. The same rule is recognized in medical ethics ¹ and its source may be traced to various moral codes ².

We said that this requirement was absolute. Nevertheless, in exceptional circumstances, it may be necessary to make a choice; a doctor lacking sufficient remedies, might, for example, be unable to save more than a certain proportion of the patients in his care. Such occasions are typical of the cases which must be decided in accordance with one's conscience; for the decision must be left to the individual responsible, who will only reach

* "Défavorable" in the French version.

¹ The rule has been codified in the "Oath of Geneva", a revised version of the "Hippocratic Oath", drawn up by the "World Medical Association" and adopted unanimously by the latter's Members. The idea of non-discrimination is not to be found, however, in the original text of the illustrious Greek doctor.

² For Christians, it will be enough to mention the injunction "love your enemies" and the parable of the Good Samaritan.

it after deep reflection and carefully weighing the pros and cons. In the extreme instance which we have imagined, the doctor will be able to settle the dilemma on the basis of the social views and humane ideas prevailing in the community to which he belongs. He could, for example, give preference to men with families to support rather than to bachelors, to the young rather than the old, to women rather than men. Or he might leave it to chance. But if he allows himself to be guided by his own personal reasons, provided they are disinterested, who can blame him? For who can claim to hold the scales of absolute justice?

From the purely theoretical point of view, one would like a Red Cross Society to extend its benefits to the world at large. But the ideal is tempered here by a sense of realities. The principle of equality is applied in practice on the lines dictated by the essential structure of the Red Cross movement, the National Societies observing it within the confines of their respective countries, while the international Red Cross organizations try to win acceptance for it throughout the world.

No one can reasonably expect a National Society to divide its resources among the poor in all lands, to scatter its gifts to the four corners of the earth. From the first the National Societies have been established on a national basis¹. Each of them reflect the affinities of race, language, way of life, ideology or religion, which go to make a nation. Neither their nature nor their task required them to band themselves together in an international organization. If they have done so, it is because they aspired to a common ideal and subscribed to the same principles, one of which is, in point of fact, that on the field of battle the enemy wounded are to be cared for as our own. Nor is it certain, for that matter, that help from abroad will always be welcome; for each country wishes to be self-sufficient,

¹ Attention is drawn to the fact that here, and elsewhere in this publication, the term "National Red Cross Societies" includes the Societies set up in certain Moslem countries under the Red Crescent sign and also the Society which has the Red Lion and Sun as its emblem. These latter Societies are as much a part of the International Red Cross as the others.

unless struck by a disaster with which its resources cannot cope.

In peacetime, therefore, the National Red Cross Society, in which the charitable effort of the nation is concentrated, will distribute its gifts and services without any distinction to all the people on its territory who need them. Assistance must be lent to foreigners or refugees and to citizens, to natives of the country and persons of foreign ancestry, to members of the coloured races and to white men, all on an equal basis.

The wartime work of the Red Cross Societies is also organized on a national basis ; but the care they give to the wounded they pick up is just the same irrespective of whether the latter belong to the opposing army or to their own army. That was the original reason for their creation.

In the case of prisoners of war ¹, the problem is not so simple, and it is worth dwelling on it for a moment. Each belligerent Power has to consider two distinct categories of prisoners—its nationals in enemy hands and enemy prisoners on its own territory. As most of them will be unwounded, their relief is less specifically the responsibility of the Red Cross Societies. Their lot depends first and foremost on the conditions under which they are detained, which is a matter for the State. The intervention of a neutral organization is, moreover, indispensable, and that is why the major effort of the International Committee of the Red Cross has been made in this field.

Nevertheless, Henry Dunant proposed, at the very first International Red Cross Conference in 1867, that the National Societies should contribute to the aid given to prisoners of war in general ². He pointed out that even if the latter received what was strictly necessary, their needs were not limited to bread alone ; for they were exiles in a country where everything about them was strange, if not hostile, were living in a state of anxiety and often suffered from the special psychosis brought on by captivity. He said that the only remedy was private

¹ The same problem arises in the case of civilian internees.

² See *Revue internationale de la Croix-Rouge*, April 1953, pp. 274 et seq.

charity. It was necessary to wait for 40 years, however, before this new duty was accepted by an International Red Cross Conference. Even since then the National Societies have not all played a role in this special field. Those who did so during the two world wars, especially the last, collected considerable quantities of relief supplies in their countries and passed them on to the International Committee, so that it could arrange for their passage through the blockade and their distribution to fellow-countrymen in enemy hands. On the other hand they still accomplished very little for the enemy prisoners of war in their own country.

There can be no doubt that the principle of equality requires a National Society to exert itself on behalf of both classes of captives. That was stressed at the International Red Cross Conference of 1907 and again, quite recently, in 1948. There is no question, of course, of observing equality in regard to the volume of relief, since it must always be adapted to the situation of the persons to whom help is given. It will therefore be different on either side of the front. The soldiers who are prisoners in enemy territory will receive parcels prepared by friendly hands, something to remind them of their homeland—a link with everything they have left behind them and which nothing can replace; similar articles supplied by the detaining country would not have at all the same meaning. In most cases the Red Cross Societies doubtless bring the enemy prisoners, who are held in their country, the moral comfort of an understanding and watchful presence together with the small extras which make it easier to support a life in captivity.

Such activity is in full accordance with the Red Cross ideal which lays down that the victims of war are to be helped without distinction of nationality. The National Societies, being in the immediate proximity of the prison camps and in close contact with the responsible authorities, would appear to be well equipped to undertake it. It is hoped that a first-class exchange of services between the two countries may thus develop, without too great an effort, through the effect of reciprocity. The action which the International Committee takes in the camps will still be as necessary as in the past; but it will be more effective and

more rapid if the National Society co-operates directly with it on the spot.

Although the Red Cross is not directly concerned in eliminating the discrimination which exists between men, it contributes to that result in several important spheres : in its work of relief, first of all, and also by helping to improve and apply the Geneva Conventions. It might also be called upon to intervene if people were exposed to discriminatory action which placed them in danger or caused them suffering. During the last world war, for example, the International Committee protested against certain measures of racial segregation in prisoner-of-war camps.

We shall return to the idea of equality between men when we study the organic principles of the Red Cross, in particular connection with the equality of the National Societies ; the same principle has led to the service provided by the Red Cross being free of charge and to the obligation on National Societies to open their ranks to all those who wish to join them.

Jean S. PICTET

(To be continued.)

INTERNATIONAL RED CROSS

STANDING COMMISSION

The Standing Commission of the International Red Cross met in the morning of September 29, under the Chairmanship of H. E. M. A. François-Poncet.

It examined questions concerning the organisation of the next International Red Cross Conference, which will be held next year in New Delhi. The exact date of the Conference has not yet been definitely fixed. It will take place, either from October 12 to 26, 1956, or from January 21 to February 5, 1957, according to which ever date is the more convenient for the Indian Red Cross Society, whose preference will be made known at an early date.

The Commission adopted the list of invitations which will be sent to Governments and National Societies, asking them to be Members of the Conference, and the list to be sent to Governments and various international institutions, inviting them as Observers.

The Commission also adopted the Draft Agenda and the Programme of Work of the Conference.

MEETING OF REPRESENTATIVES OF NATIONAL SOCIETIES

Taking advantage of the presence in Geneva of the representatives of forty-one National Red Cross and Red Crescent Societies, and the Red Lion and Sun Society of Iran, who were attending the League Executive Committee meetings, the International Committee of the Red Cross invited them to its headquarters, in order to discuss questions of mutual interest.

M. Léopold Boissier, President of the ICRC, welcomed them in his capacity as the new President of the Geneva institution. Judge Emil Sandström, Chairman of the League, paid homage to the close co-operation which exists between the National Red Cross Societies, their federation and the founder body, the ICRC.

Reports were submitted on the work undertaken by the ICRC in connection with the legal protection of the civilian population from the danger of indiscriminate warfare, assistance to victims of internal disturbances and civil war, and, finally, the taking over by the International Committee of the direction and administration of the International Tracing Service ; it will be recalled that this Service deals with searches for civilians who were interned in, or deported to, Germany during the last world conflict.

The protection of the civilian population gave rise to keen discussion. M. Siordet, Member of the ICRC, referred, in particular, to the draft international rules recently submitted to all National Societies for examination, and gave a few explanations concerning the object of those rules, and the help which could be given by National Societies in that connection.

With regard to the object of the rules, M. Siordet said, in particular :

“ Perhaps, one day, the Red Cross—and with it all men of goodwill—may succeed in abolishing war. We are all working to that

end, and no possible means of hastening the advent of such a day must be neglected. We are, however, confronted with a certain number of facts :

It is a *fact* that States have military budgets, that they maintain armies and arms.

It is a *fact* that weapons of constantly greater power are being tested, and efforts being made to invent new ones.

So long as this is true, there will be a risk of war, which would result in victims.

What are our resources for aiding these victims, and restricting their numbers? On the one hand, we have the Red Cross organisations, and on the other the Red Cross inspired Geneva Conventions, based alike on the fundamental distinction between combatants and non-combatants.

What then, will remain of this, and of the Red Cross itself, if belligerents are at liberty to employ weapons which render such discrimination impossible, either because they cannot be accurately guided or because their destructive effects extend far beyond the target? What becomes of the Geneva Conventions with their rule that : " Persons taking no active part in the hostilities shall be respected and protected ", if, at the same time, the law of war sanctions the use of methods which necessarily involve the risk of razing a whole town to the ground in order to destroy a military objective of limited size ?

The law of war, and in particular the Hague Regulations of 1907, was also based, it is true, on this distinction between combatants and non-combatants. But, often flouted in actual practice, its validity in the case of methods of warfare unknown at that time is challenged. The object of our work is, therefore, to reaffirm the 1907 regulations, expressing them in a form which covers modern methods of warfare and, if possible, those of tomorrow, in order the better to limit their destructive effects.

Apart from the practical result to be anticipated, our work is in itself of considerable moral significance. It provides yet another demonstration of the perpetual protest of the Red Cross against violence, and of its will to affirm, in all circumstances, the primacy of certain principles, a failure to respect which would lead the world to its own destructions."

M. Siordet referred to the collaboration of the National Societies in the following words—

" We want a Convention. But it is not we who will sign it, but Governments. While we must strive towards the ideal, Governments confine themselves to the possible. It is the extent to which the

Red Cross has succeeded in combining the ideal and the possible that has enabled it to secure the adoption of the existing Conventions. If one wishes to induce some sixty or eighty States to sign a Convention, one must present them with drafts already worked out in very considerable detail, which do not appear to them to be too far-removed from what their sense of sovereign status and their national defence needs would permit them to endorse. Our studies must anticipate, in so far as possible, the positions which Governments would be led to adopt at a diplomatic conference. Accordingly, from the initial stages of our studies, we have consulted experts, and shall not fail to call upon more should the need arise. In this connection, certain Societies are particularly well placed for carrying out this work, each in relation to its own country. Furthermore, many, as a result of the war, possess experience in the field with which we are concerned that would be extremely valuable. Several Societies have informed us of their intention of setting up a committee of experts, under their auspices, to study our draft rules. We cannot but endorse such initiatives.

The moral contribution, for its part, is no less important. The unanimous resolution adopted at Oslo is, in this respect, of considerable support. Our projects will carry all the more weight if they appear to be the expression of a desire of the Red Cross as a whole. If Governments are to study, discuss and sign humanitarian treaties, they must feel convinced that these correspond to a general aspiration, first and foremost in their own countries. Who could contribute better than the National Red Cross Societies to the creation of this favourable "atmosphere".

The meeting also discussed the question of the publicity to be given to the work, and the Chairman of the Belgian Red Cross commented as follows:—

"There is one point which holds our attention, that is the question of the publicity which should be given to efforts for which today's meeting constitutes, if not the starting point, at least an important stage, since the great Red Cross family is gathered here in impressive numbers, and representatives of Red Cross Societies in all parts of the world are present.

In my opinion, the initiative taken by the International Committee is of very great significance. In taking this course, it has followed the tradition of the founder of the Red Cross. It is raising the question whether wars of the future will, or will not, be total warfare—conflicts where all notion of civilisation will be lost—or whether, on the contrary, those notions will still remain valid and be

respected even when passions prevail. I do not think that such an initiative could, or should, remain, as it were, confidential.

I fully realise the danger there might be in circulating notions among the public, before they have been given mature consideration. Nevertheless, the fact that the International Committee, together with representatives of the National Red Cross Societies, is dealing with the problem, that it has taken the initiative of raising it and giving it close study, and of undertaking the careful revision of the Hague Conventions of 1907, in order to give them new and effective life, should—in my opinion—be made known throughout the world. It is not necessary, for that purpose, to enter into details of the studies we shall be undertaking on the subject.

I think that the whole world should know that the Red Cross does not remain indifferent to this great problem upon which the future of civilisation itself depends. The world should know that the Red Cross is watching and working."

The discussion on the subject, which thus gave the Societies present the opportunity of assuring the ICRC of their collaboration and support, also enabled some of them to make a few comments on the actual substance of the draft rules, and others to emphasise the advisability of giving Red Cross Societies sufficient time to make a close study of the draft, and discuss it with their Governments.