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Human rights relating to spiritual assistance as embodied in the Geneva Conventions of 1949

by Jean-Luc Hiebel

I

Spiritual assistance in the 1949 Geneva Conventions

Within the general right of spiritual assistance there is a distinction between the right to receive assistance and the right to give it. These rights are based on the right of religious freedom.

If they are to be exercised, these rights necessitate means—hence the right to aid—and agents—hence the rights of relief societies.

1. The right to receive spiritual assistance

Spiritual assistance as embodied in the Geneva Conventions is conceived as being provided by specialized workers to those in need of help, that is, the persons protected by the Conventions. Protected persons have a right to receive such help.

This right is clearly formulated in the following:

First Convention, Art. 6 (para. 1), 7, 10, 17, 18 (para. 4), 28 (para. 1, 2, 4), 47;

Second Convention, Art. 6 (para. 1), 7, 10, 20 (para. 2), 37, 48;

Third Convention, Art. 6 (para. 1), 7, 10, 33 (para.1, 4), 34, 35, 37, 72 (para. 1, 2), 108 (para. 3), 120 (para. 4), 127;

Fourth Convention, Art. 7 (para. 1), 8, 10, 23, 38 (point 3), 50 (para. 3), 58, 76 (para. 3), 86, 130 (para. 1), 139.

In these various articles, the wording varies: “spiritual needs” and “religious ministrations”, “articles of a religious character”, “articles

required for religious needs". Only in the Fourth Convention, Articles 38 (point 3) and 58 (para. 1), do we find the words "spiritual assistance". The terminology seems to have been made more precise in the drafting of the Fourth Convention. It is noticeable, moreover, that the wording stresses humanitarian necessity, which to some extent obscures the "human rights" nature of spiritual assistance.

Article 3 common to the four Geneva Conventions of 1949, and the only article applicable to conflicts not of an international character, is too concise to form a real basis for the right to spiritual assistance in this type of conflict. But the humane treatment which it prescribes as a minimum standard does not exclude spiritual rights in the widest interpretation.

The right to spiritual assistance receives more precise guarantees in the case of international conflicts. However, it is regrettable that this right is not explicitly mentioned in the general definitions concerning the protection, treatment and care of persons protected by the Conventions.¹

The Third and Fourth Conventions contain the largest number of provisions concerning the right to spiritual assistance, because "captivity often resulted in a more intense religious life, which enabled prisoners to endure their lack of freedom more easily".²

The fact remains that the provisions on spiritual assistance are usually couched differently from those on medical assistance. Comparison of Articles 56 and 58 of the Fourth Convention is illuminating in this respect. The terms qualifying the obligations of the Contracting States are less peremptory and therefore more equivocal in the provisions relating to spiritual assistance: the words "permit", "accept" or "facilitate" give more latitude than the expression "ensuring and maintaining".

The much-emphasized pragmatism of the Geneva Conventions is again confirmed in the provisions concerning distinctive and specific aspects of the right to receive spiritual assistance.

The texts of the First Convention, Article 17; Second Convention, Article 20 (para. 2); Third Convention, Article 120 (para. 4); and Fourth Convention, Article 130 (para. 1), establish a person's right to be buried according to the rites of his religion. This right is not absolute, since it is accompanied by an important reservation: "if possible". J. S. Pictet

¹ First and Second Conv., Art. 12; Third Conv., Part II; Fourth Conv., Art. 16.

² Remark made by Mr. Wilhelm (ICRC) to Committee II (7th meeting, 3 May 1949). See *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-A, p. 260.

has the following comment on the reservation: "Certain religions prescribe rites which it may sometimes be difficult to observe, as for example, the sacrifice of an animal or the use of some rare ingredient".¹

Others, like Pictet, may find it regrettable that the text of the Second Convention, Article 20 (para. 2), merely refers to the provisions of the First Convention. Burial at sea is the current practice, indicated in paragraph 1 of the same article, without any mention of religious rites.

The texts of the Third Convention, Article 72 (paragraph 1) and Fourth Convention, Articles 23 (paragraph 1) and 58 (paragraph 2) establish the right of prisoners of war and civilian internees to receive items intended to meet their religious needs. The mention of objects for religious worship recalls the frequent insistence on the cultural aspects of spiritual assistance. On the other hand, the fact that spiritual assistance properly so called is associated with intellectual or artistic assistance in these articles opens up the prospect of a broader concept of spiritual assistance.

The texts of the Third Convention, Article 43 (paragraph 2) and Fourth Convention, Article 86, recognize the right of prisoners of war to "adequate premises... where religious services may be held" and the right of civilian internees to "premises suitable for the holding of their religious services". It is not necessary for the premises placed at the disposal of religious communities to be reserved exclusively for religious uses. It is enough if appropriate arrangements are made whenever necessary for the purpose. The premises must be "suitable", that is, "sufficiently large, clean and so constructed as to provide adequate accommodation for those who attend the services".² In fact, this requirement of a consecrated area is prominent only in certain faiths, those whose representatives made their voices heard in the conferences preparatory to the 1949 Conference. It must be borne in mind that all the religious organizations that studied the drafts of the Conventions³ stemmed from the same Judeo-Christian tradition. Other important creeds—Buddhism, Hinduism, Islam—were not consulted when the texts were drafted. The absence of these religious groups may be partly explained by the

¹ J. S. Pictet, *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Commentary I*, Geneva, 1952, p. 179.

² J. S. Pictet, *Geneva Convention relative to the Treatment of Prisoners of War, Commentary III*, Geneva, 1950, pp. 228, 229.

³ They were the World Young Women's Christian Association, World Alliance of Young Men's Christian Associations, Caritas Internationalis, World Jewish Congress, World Council of Churches, World's Student Christian Federation, Pax Romana, Catholic Relief, and War Relief of National Catholic Welfare Conference.

sway which the great western religions had at that period, corresponding to the political importance of the countries in which they had developed. It is nevertheless true that the provisions of the 1949 Conventions relating to premises in which religious services could be held represent an advance in comparison with the 1929 Conventions.

2. The right to provide spiritual assistance

The right to provide spiritual assistance to the victims of conflicts is not in the first place a right reserved to specialized personnel. Any person present at the conflict has, within the limitations of certain restrictive clauses, the right and sometimes even the duty, to give help to the victims. In its broadest sense, this right is one which any member of the population capable of helping the victims may claim. Spiritual assistance should here be considered as a form of relief.

It must be recognized that the 1949 Geneva Conventions almost completely ignore this right. Of the first two Conventions, only the First Convention, Article 18 (paragraph 1 and 2) contains provisions that truly protect it. Even so, the result is small: "The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities. The military authorities shall permit the inhabitants and relief societies even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality".

In this article, in which the right of the population should be more explicitly expressed, the part concerning spiritual assistance has disappeared. The text deals essentially with care, understood as medical or paramedical care.

One point remains, the right to "collect" the sick and wounded. This is effectively a right recognized as belonging to the inhabitants, since "the military authorities *shall* permit..." (our italics). But the protection and facilities granted to the inhabitants who voluntarily exercise this right are mentioned only in paragraph 1, which envisages the case of an appeal by the military authorities. Spontaneous assistance is a right the exercise of which is not attended by any special protection, unless it is not to be molested or convicted for such action. In fact, the law has suffered a setback on this point. Military necessity has invaded humanitarian law. This is clearly shown by the fact that those in charge

of the military necessity—"the military authorities"—also become the administrators of humanitarian law.

3. The right to spiritual assistance and the right to religious liberty

The right to spiritual assistance is an application of the right to religious liberty. Because it is a reflection of the surrounding world, religious liberty closely influences the right to spiritual assistance. Any encroachment on the freedom of religion obviously compromises spiritual assistance. It is for this reason that the Conventions provide certain guarantees in respect of religious liberty while developing the right to spiritual assistance.

These guarantees are to be found in the following provisions:

First Convention, Arts. 3, (para. 1), 12 (para. 2), 17 (para. 2, 3), 31 (para. 1);

Second Convention, Arts. 3 (para. 1), 12 (para. 2), 20 (para. 2), 37 (para. 3);

Third Convention, Arts. 3 (para. 1), 16, 34 (para. 1), 53 (para. 2), 120 (para. 4, 5);

Fourth Convention, Arts. 3 (para. 1), 27 (para. 1), 45 (para. 4), 50 (para. 3), 56 (para. 3), 93 (para. 1), 97, 130 (para. 1, 2).

The term "religious freedom", however, does not appear as such in these provisions. The terms used—latitude in the exercise of their religious duties, respect for their religions convictions and practices, their manners and customs, consideration for the moral and ethical susceptibilities of the population—indicate that religious freedom is virtually always understood in its positive aspect in the Geneva Conventions, that is, as freedom of religious convictions and practices.

The freedom not to believe and not to practise a religion is not mentioned so expressly. As J. S. Pictet reminds us, governments are at liberty to include a reference to the religion in the identity documents of prisoners of war, "since there is nothing in the Convention to preclude it".¹ In view of the general prohibition of constraint with regard to prisoners of war the texts in the Fourth Convention, Art. 56 (para. 3), which is incidentally very specific, and of the Third Convention, Art. 38 (para. 1) give very meagre guarantees of freedom to nontheists and

¹ J. S. Pictet, *Commentary III*, p. 228.

atheists. The problems that might arise from a proselytism lacking respect for the religious freedom of prisoners of war and civilian internees are not envisaged.

Those with religious beliefs, on the other hand, are best served. The freedom granted to them even extends to the observance of religious creeds which are prohibited for the civilian population of the Detaining Power.¹ Respect is the prerequisite attitude that sets the tone for assistance as such, whether medical or spiritual. The provisions already discussed conserve religious freedom in relation to the dead and their burial, to the choice of personnel to be repatriated and the equality of treatment of prisoners of war, to daily and weekly rest periods, to certain cases of transfer of protected persons and finally to the education of orphans or of children separated from their families. Many of these provisions were introduced into the Conventions as a result of the preparatory work of a special commission convened by the ICRC.²

The right to religious freedom also has limitations, as set out in the expression “disciplinary routine”, replacing that of “routine and police regulations”, and applies equally to prisoners of war and to internees. The new formulation appears more liberal to J. S. Pictet, who writes: “Respect of the disciplinary routine implies that the exercise of religious duties, including attendance at services, is allowed without special authorization, as part of the normal system of administration, general timetable and other activities”.³

If the right to religious freedom admits of some limitations, it nevertheless remains inalienable.

4. Spiritual assistance and the right to relief

The right to relief is inscribed in the following provisions of the Conventions: First and Second Convention, Art. 9; Third Convention, Arts. 9, 72 (paras. 1, 2), 75, 76, Annex III; Fourth Convention, Arts. 10, 38 (para. 1), 39 (para. 3), 59 to 62, 108 to 112, Annex II.

The term “relief” does not here cover what is meant by the expression “spiritual aid”. It represents material help in kind. J. S. Pictet understands by relief “anything which can contribute to the humane treatment of those to whom the Convention is applicable”.⁴ He mentions food-

¹ J. S. Pictet, *Commentary III*, p. 227.

² Jean-Luc Hiebel, *Les droits humains de l'assistance spirituelle dans les conflits armés*, Strasbourg, 1976, pp. 137, 138.

³ J. S. Pictet, *Commentary III*, p. 228.

⁴ *Ibid.*, p. 108.

stuffs, clothing, medicaments, medical supplies, articles intended for religious, educational or recreational purposes, and even sums of money. The articles intended for religious, educational or recreational purposes have been shown by experience to take on great importance when prisoners are undergoing a long captivity—to such an extent that Claude Pilloud (ICRC) drew the attention of the Ecumenical Commission to religious articles which prisoners of war should be permitted to receive and which were not envisaged in the preceding Convention .¹

While relief is not always direct spiritual assistance, it nevertheless often represents its means; in some manner its support. Relief provides a definite link between those who benefit and other people. It links the prisoner or internee with the outside world. For this reason it has an eminently spiritual sense that transcends its function of responding to an urgent need. The right to receive relief, moreover, affects the right to spiritual assistance, inasmuch as such assistance cannot ignore the material distress of the victims of war. These implications give rise to certain problems. The distribution of relief must be equitable, yet without flouting the wishes of the donor. The organization of aid is therefore complex and regulated at length in the Conventions. Paul de la Pradelle speaks of “veritable international public services with humanitarian aims”.² These humanitarian operations are subject to one condition, the agreement of the parties to the conflict. It may be concluded from this reservation the right to aid is only partially guaranteed by the 1949 Conventions. However, “in principle, the Detaining Power should encourage the sending of relief supplies to prisoners of war in its hands”.³ Above all, the Detaining Power is under the obligation to apply the Conventions which ultimately constitute, in themselves, a complete relief programme.

5. Spiritual assistance and the right of relief societies

Among relief societies, the religious organizations incontestably have a specific role to play in providing spiritual assistance. Yet these organizations have no monopoly of humanitarian action in this field. It is the concern of all relief societies.

The right of relief societies is affirmed and developed in the following provisions of the Conventions: First Convention, Arts. 9, 10, 26,

¹ Archives of the World Council of Churches, Geneva.

² Paul de la Pradelle, *La Conférence diplomatique et les nouvelles Conventions de Genève du 12 août 1949*, Paris, 1951, p. 185.

³ J. S. Pictet, *Commentary III*, p. 357.

27, 34; Second Convention, Arts. 9, 10, 24, 25; Third Convention, Arts. 9, 10, 72 (para. 3), 73, 75 (paras. 1, 2 (b)), 125, Annex III, Art. 9; Fourth Convention, Arts. 10, 11, 30, 63, 108 (para. 2), 109 (para. 3), 111 (paras. 1, 2 (b)), 142, Annex 2, Art. 8.

This right develops the general right to aid. The Detaining Powers are required to give relief societies or any other organizations all necessary facilities for visiting and assisting prisoners of war. The religious organizations are explicitly mentioned and are even given precedence in the enumeration.¹ The definition of relief societies is deliberately wide. It includes the international relief organizations, the public and semi-public institutions for assisting war victims and even those bodies which, while not making relief their main and permanent purpose, might in the event of a conflict include such assistance among their activities. This extensive character is none the less accompanied by a general reservation intended to ensure the necessary guarantees for the Detaining Power. This Power may, moreover, limit the number of societies and other bodies whose delegates are allowed to carry out their activities in this territory and under its supervision, "on condition however that such limitation shall not hinder the effective operation of adequate relief to all protected persons".² As J. S. Pictet comments, to entrust the judgement of the suitability of this limitation to the Detaining Power opens the door to arbitrary action and, hence, to possible discrimination between relief societies.³

In order to perform their activities, the relief societies are recognized as having various rights:

- the right to visit in order to bring moral help; ⁴
- the right to distribute relief supplies and material;
- the right to help protected persons by organizing recreational activities for them;
- the right to the necessary facilities for accomplishing their mission;
- the right to own property.

¹ J. S. Pictet, *Commentary III*, p. 595.

² See Third Convention, Art. 125 (para. 2), Fourth Convention, Art. 142 (para. 2).

³ J. S. Pictet, *Commentary III*, p. 600.

⁴ During the 1949 Diplomatic Conference in Geneva, Mgr Comte (Holy See) stated that "in the 1914-1918 war religious organizations visited prisoners' camps in France and Germany. Such visits had not been possible during the second world war because a belligerent Power had objected that they were not provided for in the Convention". (*Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-A, Second Committee, 16th meeting, 19 May 1949, p. 301).

It is less to the societies than to their members that the Conventions offer this large range of rights. On certain conditions—recognition and authorization of the voluntary aid society by its own government, submission to military laws and regulations, notification to the adverse party of societies officially attached, under government responsibility, to medical personnel of the armed forces—they enjoy exactly the same rights as those of official medical and religious personnel. Various guarantees are offered for the exercise of these rights, but perhaps the most important is contained in the right of initiative affirmed as belonging to relief societies, in so far as this right brings into play humanitarian action to circumvent the ruthless rigidity of the military machine.

One original opportunity is offered to religious bodies of a certain size and able to provide the necessary guarantees of impartiality and efficacy: the possibility of assuming the duties that the Conventions assign to the Protecting Powers. This opportunity has its proper place in the right of spiritual assistance. The role of the Protecting Power in fact includes the protection and promotion of this right as part of its international mandate. The ICRC has some experience in the matter, accumulated during an already long history. In any case, it deserves special mention because of the specific role that it has assumed among relief societies. The 1949 Conventions, which owe a great deal to the humanitarian tenacity of the ICRC, mention it explicitly in the context of a large number of special provisions. Most of these may affect spiritual assistance. Two examples are the right to propose a limit on the shipment of relief supplies on account of exceptional strain on transport or communications (Third Convention, Art. 72, para. 3), and the prerogatives of delegates (Third Convention, Art. 126, para. 4).

*

To distinguish this general right of spiritual assistance from the similar right pertaining to military chaplains and religious personnel is to bestow enhanced status on this poor and unknown offshoot of humanitarian law.

It is true that the general right of spiritual assistance creates the conditions for its own obscurity, inasmuch as the persons who execute it are not designated in advance. On the one hand, protected persons are entitled to receive this assistance, without distinction. On the other hand, could there be a more general expression than “the population” to designate those entitled to enjoy the right to obtain such assistance? Over and above its personal applications, the general right of spiritual assistance appears ultimately to be a group of collective rights. This

can be seen more clearly through the right of relief societies. It is therefore close to a major concept in modern social legislation and, ahead of its time, approaches the collective dimension of human rights.

This new idea, nevertheless, contains an ambiguity indicated by the following question: how, exactly, may this right of relief societies be considered to be an extension of the personal right of spiritual assistance? A second characteristic feature of the general right of spiritual assistance makes its personal character problematic.

There cannot be too much emphasis on the pragmatic nature of this right, derived from the law of Geneva as a whole. Does not its specific embodiment in the right to relief tend to change its character, even to debase it, by tolerating a false employment of the means, for the purposes of spiritual assistance? It is necessary to face these questions squarely if there is a desire to see the right of spiritual assistance develop properly to human advantage and not to the profit of some organization or project foreign to its profound spiritual vocation.

II

The right of chaplains, a privileged expression of spiritual assistance in the Geneva Conventions of 1949

In their specific function of providing spiritual assistance to the victims of armed conflicts, chaplains possess a number of rights. These form the special status of the chaplain's functions which, provided certain conditions are fulfilled, are therefore recognized in a privileged manner.

1. The privileged place of chaplains' rights in the 1949 Conventions

The fairly long enumeration of spiritual assistance personnel that results from attentive reading of the Conventions ¹ demonstrates the

¹ Jean-Luc Hiebel, *op. cit.*, pp. 156-162. This includes the definition proposed by H. E. Koerber ("Probleme der Bestimmungen über die Militärgeistlichen in den Genfer Abkommen von 12 August 1949", published in *Revue internationale de Droit pénal militaire et de Droit de la Guerre*, 1966, pp. 417-419), as well as the interpretation of the German Defence Minister (in *ZDv 15/15, Kriegsvölkerrecht, Die völkerrechtliche Stellung der Militärgeistlichen*, März 1965). My own interpretation would give more respect to the latitude offered by the complexity of the Conventions.

emphasis place by the authors of the texts on personal mediation in spiritual assistance. In the First Convention, for example, the essential part of the provisions concerning spiritual assistance—13 out of 18 relevant articles—refers to religious personnel, defined as “chaplains attached to the armed forces” in Article 24 of the First Convention.¹ The Index at the end of the *Final Record* of the 1949 Conference is very detailed with respect to chaplains. Apart from the entries—52 in all—under *Chaplains*, it contains a large number of key words relating to some aspect of their privileged status: *Identity cards for medical personnel and chaplains*; *Correspondence of retained medical and religious personnel*; *Facilities to be accorded to retained medical and religious personnel*; *Identification of medical and religious personnel* and *Inviolability of rights of medical personnel*; *Prisoners of war without a minister of their religion* and *Prisoners of war who are ministers of religion*; *Protection of medical personnel and ministers of religion*.²

During the Conference, the debate on Article 29B and 30A of the Third Convention (Articles 33 and 35 in the final text) was concerned precisely with the position of spiritual assistance personnel in the provisions of the Convention.³ Retrospective analysis of this debate gives a better picture of the points involved. It appears that two objects of concern became superimposed and were incompatible. The first refers to medical assistance. The Third Convention suffered from certain gaps in this respect: the status of medical personnel was not presented with appropriate clarity. In the final text the medical personnel obtained a more exactly defined status, but at the price of a relative lack of clarity in the status granted to spiritual assistance and to chaplains. In an attempt to give to the latter both the general status as accepted for retained assistance personnel and a status of their own defined with great precision in a special chapter devoted to spiritual and intellectual assistance, the result was equivocal status for the personnel concerned. There lay the second point of argument: how could the right of spiritual assistance be

¹ A certain reticence is however observable in the use of the terms “chaplain” and even “ministers of religion”. During the Conference, Mr. Abut (Turkey), for example, would have preferred “a more general term to designate the ministers of religion. The latter, he thought, was peculiar to certain religions”. (*Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-A, Third Committee, 20th meeting, 20 May 1949, p. 679).

² *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. III, Annexes, pp. 260, 265, 269, 272, 276, 283 and 285.

³ See Jean-Luc Hiebel, *op. cit.*, pp. 201-208. The second Committee referred the question of chaplains to a special sub-committee.

incorporated coherently in the Convention relating to prisoners of war? The interplay of diplomatic argument succeeded only in making the problem more obscure and the text more confused. If the Third Convention is taken as a whole, the freedom of chaplains as mentioned in Article 35 of the Convention must be interpreted in the light of the limitations laid down in Article 33 of the same Convention.

It is legitimate to feel surprise at the space allotted to spiritual and intellectual assistance in comparison with that occupied by medical assistance, which is far from being negligible. To different degrees, both forms are given value through their personnel. The role of assistance personnel is increasingly noticeable in the 1949 Conventions. This is clearly demonstrated by Article 33 of the Third Convention. Articles 28 of the First Convention and 36 and 37 of the Second Convention confirm this. Moreover, Article 33 alone forms the whole of Chapter IV of Part III, Section II, of the Convention relating to the treatment of prisoners of war, the title of the Chapter being "Medical Personnel and Chaplains Retained to Assist Prisoners of War". The marginal note accompanying this article in the successive editions by the ICRC well shows its spirit: "Rights and privileges of retained personnel". It should be noted, nevertheless, that the Fourth Convention does not include these particular articles and appears to have been formulated in a different spirit. The emphasis has shifted already from the rights of chaplains towards the right of spiritual assistance.

2. The rights of chaplains

The rights of religious personnel constitute the most important part of the right of spiritual assistance. These rights are extremely diverse by their nature, point of application and more or less obligatory character, yet they form a whole and confer on chaplains a genuine coherent and homogeneous status.

The *right to exercise spiritual functions* appears clearly in the provisions covering the case of such personnel falling into enemy hands: First Convention, Art. 28 (para. 2); Second Convention Art. 37 (para. 1, 3); Third Convention, Arts. 33 (para. 2), 35, 36; Fourth Convention, Art. 93 (para. 2). This right determines all the other rights of chaplains. It is the basis of the special status reserved for spiritual assistance personnel. It is expressed in the right not to be held, as the texts provide; First Convention, Art. 28 (para. 1), 32 (para. 2); Second Convention, Arts. 36, 37 (para. 1, 3). In fact, the provisions finally adopted in 1949 do not suggest a right: they reveal instead the desire of the parties to

retain the personnel and they manifest primarily the law of the fait accompli.¹ The retention of chaplains must be determined by the needs. Application of this principle means that the service of auxiliary personnel is voluntary only as long as its members do not fall into enemy hands. However, the possibility of their being returned to their own side is not left entirely to the discretion of the belligerents, as was understood by the words “in the absence of any agreement to the contrary” in Articles 12 (para. 2) of the Convention of “Wounded and sick persons” and 14 (para. 2) of the Convention on “Prisoners of war” of 1929. In the case of retention the right to continue to exercise spiritual functions is translated by the right not to be obliged to perform work that has nothing to do with these functions. But prisoners of war who are ministers of religion and who exercise their ministry are still free to take part in some of the work done by other prisoners.²

Perusal of the Convention shows that the right of religious personnel to exercise their spiritual functions applies in varying degrees to different categories of this personnel who are more or less mentioned in the text of the Conventions. It is absolute in the case of religious personnel in hospital ships during their time of service aboard; it is also clearly stated for “chaplains attached to the armed forces” designated in Article 28 of the First Convention in the conditions described above, as well as for prisoners of war or internees who are ministers of religion without having been chaplains. The right of spiritual assistance personnel to exercise their functions leads to the problem of distribution, “equitable allocation amongst the various places of internment”. The final form of the provisions adopted in 1949 is intended to allow spiritual assistance personnel to better exercise their functions. Above all, the provisions confer on all prisoners of war and internees who are ministers of religion the right initially reserved only for official chaplains, with the single difference that the former category must obtain authorization. Indirectly, the right to perform the spiritual mission is also recognized in the Fourth Convention, with respect to non-repatriated aliens (Fourth Convention, Art. 38 (para. 3) or to persons in occupied territory (Fourth

¹ The report of the Meeting of 3 and 4 March 1947 states the situation during the Second World War: “The ICRC found that the principle of repatriating members of the protected personnel, for which Article 12 (1929 Convention) definitely provides, was comparatively seldom applied during the late war”. (See ICRC, *Proceedings of the Meeting for the Study of Treaty Stipulations relative to the Spiritual and Intellectual Needs of Prisoners of War and Civilian Internees*, Geneva, May 1947, p. 6).

² The attitude of priests forming part of a “*Kommando*” unit was in fact the subject of controversy during the latter months of 1941 (see Charles Klein, *Le diocèse des barbelés, 1940-1944*, Paris, 1973, pp. 73 et seq.).

Convention, Art. 58 (para. 1). The word “permit” is to be welcomed as respecting the “moral necessity” of civilian chaplains, but the provision applies only to occupied territories.

A more serious restriction applies to the right of spiritual assistance personnel to accomplish their mission: the exercise of these assistance functions is subject to the military laws and regulations of the Detaining Power, under the authority of the competent services. This restriction may deprive the right of chaplains of a great part of its content if the “laws and regulations” include provisions that impede spiritual assistance or simply do not provide for it. Jean S. Pictet notes that, in the Third Convention, the provisions of Article 33, with regard to this reservation, are more restrictive than the simple mention of “disciplinary routine prescribed by the military authorities” in the first paragraph of Article 34. We will conclude, with him, that the “principle of religious freedom and free exercise of ministry cannot be limited by any regulations which the Detaining Power has laid down for its own armed forces; in this instance, the special provision (Article 34) seems to override the general one”.¹

The *right of spiritual assistance personnel to respect* is affirmed in the First Convention, Art. 24, and the Second Convention, Arts. 36 and 37 (para. 1). This right to be spared signifies a prohibition to the combatants but also comprises “such action as is necessary to ensure respect”.² It applies “in all circumstances” to spiritual assistance personnel with the combatants and protected persons, whether the personnel be on the battlefield or behind the lines, whether retained temporarily or permanently by the adversary. On the other hand, the right is not explicitly formulated for other categories of spiritual assistance personnel.

The right of chaplains not to be considered prisoners of war when they fall into enemy hands is a direct consequence of the right to respect.³ This right has not always been recognized. During the first world war the principle of unconditional repatriation was applied only imperfectly. In 1929 this principle was reworded as the expression “non-retention in the absence of an agreement to the contrary”. Yet there was no attempt to determine the methodology of any such retention, so that, during the second world war, medical personnel were retained and subjected to the same procedures as prisoners of war. After the conflict, two theses made their appearance among the experts:

¹ J. S. Pictet, *Commentary III*, p. 231.

² J. S. Pictet, *Commentary I*, p. 135, and *Commentary II*, Geneva, 1959, p. 90.

³ First Conv., Arts. 28 (para. 2), 30 (para. 2); Second Conv., Art. 37 (para. 3); Third Conv., Art. 33 (para. 1).

- the “revolutionary” thesis, tending to place medical personnel on the same basis as prisoners of war, while providing “facilities” for them;
- the “traditional” thesis, maintaining the distinction and demanding a separate status *sui generis* for medical personnel.

The final text adopted in 1949 establishes a compromise close to the traditional thesis. Repatriation remains the rule. Spiritual needs, “real and imperative needs”, however, may justify the retention of religious personnel. Such persons, on the other hand, still have a different status from that of prisoners of war.¹ Moreover, repatriation of religious personnel may be deferred for two other reasons: the physical difficulty of carrying it out, because of combats or the problems of organization, and, especially, military requirements, i.e., fear of the enemy’s being given information. The choice of personnel to be retained is to be made according to need and to the chronological order of their capture.

The *right of spiritual assistance personnel to protection* is affirmed in the First Convention, Art. 24, and the Second Convention, Arts. 36 and 37 (para. 1). The right to the distinctive emblem is a means of indicating this right to protection.² Protection is “active cooperation in rescue work”.³ If, as we have seen, respect constitutes a prohibition, protection represents a positive duty: to protect means to give aid and support. In order to be protected, the relief personnel must be identifiable. The provisions of the Conventions specify for this purpose the use of an armband “bearing the distinctive emblem”. The red cross, the red crescent and the red lion and sun are admitted. The stamp of the military authority guarantees the validity of the distinctive emblem. To facilitate identification of protected religious personnel, the Conventions also provide for the use, if required, of a flag and the carrying of a card and an identity disc. H. E. Koerber points out the difficulty of identifying priests caring for military groups other than regular armed forces.⁴ It has been seen how the spirit of the Conventions justifies their protection. There are other lacunae. The protective emblem does not apply to religious personnel attached to protected civilian hospitals. The marking of civilian medical transports, moreover, as Paul de la Pradelle notes,

¹ J. S. Pictet, *Commentary III*, pp. 230-234, and *Commentary I*, p. 263.

² First Conv., Art. 40; Second Conv., Art. 42.

³ Raoul Genet, *La Révision de la Xe Convention de la Haye*, Paris, 1952, p. 66, quoted in J. S. Pictet, *Commentary II*, p. 157.

⁴ H. E. Koerber, *op. cit.*, p. 422.

remains equivocal, by leaving open the “alternative of obligatory or optional use” of the emblem.¹ On the other hand, Article 23 (para. 1) of the First Convention is to be praised, providing as it does for zones of protection within which spiritual assistance personnel, on the same basis as all those present, are protected.

The treatment to which prisoners of war are entitled is considered as the *minimum treatment* to be granted to retained relief personnel. This right is embodied in the following texts: First Convention, Art. 30 (para. 2); Second Convention, Art. 37 (para. 3); Third Convention, Art. 33 (para. 1); Fourth Convention, Art. 93 (para. 3). Those who are awaiting repatriation are entitled to even more: treatment corresponding to that of the corresponding personnel in the adverse army (First Convention, Art. 32 (para. 5). Under the term “treatment” are comprised food, lodging, allowances and pay. The food must be “in all cases sufficient in quantity, quality and variety to ensure that those concerned maintain a normal balance of health”. The Third Convention provides that “working pay shall likewise be paid by the detaining authorities... to the prisoners who are required to carry out spiritual duties on behalf of their comrades” (Third Convention, Art. 62 (para. 2)).

The text of the Fourth Convention, Art. 93 (para. 3) contains a similar provision, but applies solely to ministers of religion taking the place of chaplains in the absence of the latter in civilian internee camps. As appears clearly in Article 33 of the Third Convention, chaplains retained or remaining among prisoners of war to give them the help of their ministry must be supplied with “all necessary facilities”.

In his commentary on the Third Convention, J. S. Pictet explains the reasoning for the favoured treatment of chaplains retained in prisoner-of-war camps. “They should if possible be given separate quarters so that they may converse freely and frankly with prisoners. Similarly, the fact that Article 33(c) exempts them from other work is no justification for giving them the same rations as prisoners who do not work, if the exercise of their ministry calls for really arduous effort on their part”.²

The texts of the First Convention, Art. 28 (para. 2), the Second Convention, Art. 37 (para. 3), the Third Convention, Art. 33 (para. 2) guarantee spiritual assistance personnel the *right to freedom of conscience* in the exercise of their mission. As J. S. Pictet emphasizes, “compulsion by the detaining authority must end when we enter a domain which,

¹ Fourth Conv., Art. 21, and Paul de la Pradelle, *op. cit.*, p. 191.

² J. S. Pictet, *Commentary III*, p. 232. Comparison of the final text of the Convention as adopted with that of the ICRC draft reveals the hesitations of the government representatives at the 1949 Conference.

for the priest as for the doctor, is governed by a professional code or by the dictates of his conscience".¹ Freedom of conscience is here conceived as the freedom of ministers of religion to exercise their functions in accordance with their professional ethics. The special regime for religious personnel is therefore based once again on their professional status.

The *right to visit* is recognized for religious personnel in the First Convention, Art. 28(a), the Second Convention, Art. 37 (para. 3), the Third Convention, Arts. 33(a), 35, the Fourth Convention, Art. 93 (para. 2). This right assumes relative freedom of movement. The First Convention, Art. 15, lays down that free passage must be granted to religious personnel travelling to a besieged or encircled area, but no mention is made of any return journey. In the Second Convention, Art. 18, and the Third Convention, Art. 17, there is an identical provision. This freedom, however, is extremely limited, and essentially restricted to visits made to protected persons under the Conventions who are waiting for spiritual assistance. Moreover, although the Third Convention provides for periodic visits to be made to prisoners of war in labour detachments or in hospitals outside the confines of the camp, the frequency of such visits is not specified. The fact remains that chaplains can by this means be authorized to leave the camp and to obtain the transport and the "necessary facilities" in order to do so. It should be noted that restriction of the free movement of chaplains to the necessities of their ministry was desired and introduced by the delegation from the Holy See itself.² J. S. Pictet reminds us of the flexibility necessary to the Detaining Power in the application of these provisions.³ Freedom of movement for spiritual assistance personnel is also embodied in the Fourth Convention. But there it is still more limited, at least for ministers of religion among internees. This is suggested by the distinction, proposed by the United Kingdom representative during the debate in the 1949 Diplomatic Conference, between the position of ministers of religion who are prisoners of war and those who are internees.⁴

¹ J. S. Pictet, *Commentary I*, p. 246.

² Mgr Comte suggested it to the Second Committee during discussion of Article 30 of the Third Convention (Article 33 in the final text). *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-A, Second Committee, 7th meeting, p. 261).

³ J. S. Pictet, *Commentary III*, p. 232.

⁴ Mr. Speake (United Kingdom) said at the Conference that "when ministers of religion had been interned, it was for reasons affecting the security of the State. There might be objections to their being allowed freedom of movement, which would not apply to the chaplains looking after prisoners of war". (*Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-A, Committee III, 20th meeting, p. 679). His viewpoint was not contradicted.

Among the facilities that must be granted to chaplains and those with similar status, Article 28 of the First Convention lays down that they shall have *the right to direct access to the competent authorities* of the camp. The wording of Articles 37 (para. 3) of the Second Convention and 33 (b) of the Third Convention contain similar provisions. This right reinforces the role of the minister of religion in spiritual assistance. For Christians and members of a number of other religions, it corresponds to a precise conception of the ministry in which the minister is seen as the leader of the religious community. This is not always the case, since the role of leader may be considered as a ministry or as one form of service among others, to be entrusted if necessary to a member of the laity. Moreover, a case may be imagined where a chaplain refuses to act as leader, in order to devote himself to more missionary type of work. The role of such a member of the laity or such a chaplain under Geneva law is a moot point. In any case it is obvious that the law of Geneva has been influenced by a tradition of individual leadership more or less foreign to other spiritual tendencies, while in the churches that maintained this tradition there are renewed aspirations towards collective leadership of the religious community.

As J. S. Pictet observes, "the appointment of a 'responsible officer' affects only medical personnel, and not chaplains".¹ The same author also emphasizes the responsibility of the camp authorities in the exercise of the right of spiritual assistance. All these comments do not disguise the fact that the right of religious personnel to have access to the authorities has been effectively used in many cases. The right in question is relative and, in certain circumstances, may become a valuable means of applying the right of spiritual assistance. More generally, it undoubtedly strengthens the right of chaplains, which does not necessarily coincide with the right of spiritual assistance or the right to religious freedom.

The texts of Articles 28(b) of the First Convention, 37 (para. 3) of the Second Convention, 33(b) and 35 of the Third Convention guarantee certain *right of correspondence* to spiritual assistance personnel. This right is mentioned immediately after the right of access to the authorities, in the same train of thought. J. S. Pictet interprets this to mean that "the number of letters and cards which it may be necessary for him (the senior medical officer or the chaplain) to write and receive must never be limited, as the number of letters and cards written and received by prisoners of war may be in certain circumstances".² For the senior

¹ J. S. Pictet, *Commentary I*, p. 250, and *Commentary III*, p. 222.

² J. S. Pictet, *Commentary III*, pp. 221, 222.

medical officer, it is a matter of remaining in contact with medical circles in his own country, with the Protecting Power, with the ICRC, with bodies supplying aid to prisoners, with the prisoners' families, etc. It is not difficult to alter the details to apply to religious personnel.

While this right to correspondence for persons giving spiritual assistance is not founded on freedom of expression and communication but on the right of religious personnel to fulfil their mission, it is nevertheless a possible, if restricted, channel of aid. There is still a danger that this right may be buried within a purely administrative routine. Article 35 of the Third Convention seems to restrict this right even more. Can censorship and especially the limitation of the number of international religious organizations with which this correspondence is permitted (Art. 125 (par. 2) of the Third Convention) be admitted in a sphere in which conscience reigns supreme?

The *right of property* of spiritual assistance personnel is governed by Articles 30 (para. 3) and 32 (para. 4) of the First Convention and 37 (para. 1) of the Second Convention. The right applies in the first place to religious personnel of neutral countries who have fallen into enemy hands. Such persons, "on their departure... shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them".¹ These persons, therefore, are granted a status that is quite special and particularly favourable. Only aid personnel at sea are granted similar rights: "They may take with them on leaving the ship, their personal property".²

Pictet notes "the desire of the authors of the 1949 Convention to accord a more liberal status to medical personnel attached to the navy than that accorded to the corresponding personnel attached to the armed forces on land".³ Why was this? Perhaps because of the greater risks involved in war at sea. Yet religious personnel of the land forces are not forgotten: their property is protected in the same way as that of medical personnel. Here again, the right is based on the mission assigned to spiritual assistance personnel. Otherwise it would be an unjustified privilege in view of the general situation created by the war.⁴ Indirectly, these provisions are intended to allow spiritual assistance personnel who have fallen into enemy hands to continue their mission.

¹ J. S. Pictet, *Commentary I*, p. 270.

² Second Convention, Art. 37 (para. 1).

³ J. S. Pictet, *Commentary II*, p. 210.

⁴ The law of Geneva nevertheless attempts, in several places, to preserve a general right of property.

The rights of chaplains, as set out in the foregoing, are the subject of *general safeguards* in the following articles: First Convention, Arts. 5, 6, 7, 10; Second Convention, Arts. 5, 6, 7, 10; Third Conventions, Arts. 4, 6, 7; Fourth Convention, Arts. 7, 8. Spiritual assistance personnel are entitled to rights, which are inalienable, imprescriptible and inviolable. That would seem excessive unless we except from the definition what the text of the Conventions calls “facilities”. But if we do so, the text is no longer absolutely clear and the guarantee consequently is weakened. In his commentary, J. S. Pictet states that a proposal aimed at prohibiting only those agreements which restricted fundamental rights was rejected by the Diplomatic Conference, on the grounds that the Convention “laid down a minimum standard of treatment for protected persons and it would be difficult to draw a distinction between rights which were fundamental and those which were not”.¹ Taking up the theme of R. J. Wilhelm, he considers that “the reference is therefore to the whole body of safeguards which the Convention affords to protected persons” (i.e., in the First and Second Conventions, Article 6 (para. 1) and in the Fourth Convention, Article 7 (para. 1)).² The Conventions still further reinforce these general safeguards by protecting spiritual assistance personnel against possible reprisals (Art. 46, First Convention; Art. 47; Second Convention). The ICRC assures support in seeing that these rights are respected (Art. 9 of the First, Second and Third Conventions). The International Committee may also be asked to take part in meetings at which it will be consulted on the interpretation of the Convention provisions in the event of dispute (Art. 11 of the First, Second and Third Conventions).

Each of the rights we have enumerated applies personally and individually to members of the personnel responsible for giving spiritual assistance. Considered together, these rights nevertheless confer on them a collective status that is made official in the case of chaplains. The rights are adjusted to the collective measure of spiritual assistance, the communal expression of which is thus brought to the fore.

3. Limits to the right of chaplains

The list of rights of spiritual assistance personnel requires three further comments. They have been included only recently in the category

¹ J. S. Pictet, *Commentary I*, p. 73.

² J. S. Pictet, *Commentary II*, p. 52. The author refers to R. J. Wilhelm, *Le caractère des droits accordés à l'individu dans les Conventions de Genève*, Geneva, 1950, pp. 13 et seq.

of human rights stated in the law of Geneva. They apply only to a particular category of persons capable of providing spiritual aid in the area of conflict. The persons to whom the rights apply must abstain from all hostile acts.

The *rights of spiritual assistance personnel* have been set out only recently and timidly, considered as part of human rights, in the Geneva system. J. S. Pictet remarks that “it was not... until the Convention of 1949 (in particular, in Articles 6 and 7)” (Articles 7 and 8 of the Fourth Convention) “that the existence of rights conferred on protected persons themselves was affirmed”. A little earlier he explains that “at the outset... the treatment which belligerents were required to accord to persons referred to in the Convention was not presented, not indeed clearly conceived, as constituting a body of ‘rights’ to which they were automatically entitled”.¹

This remark is even more true of assistance personnel, whose rights the Geneva system does not for a moment claim to safeguard for their own advantage.

In the Geneva Conventions, the affirmation of their rights is purely in relation to the humanitarian mission assigned to them. The rights are mentioned “to enable them to carry out their duties under the best possible conditions and not to grant them privileges as individuals”.² In this context it will be noticed that the expression “privileged treatment”, which remained in the ICRC draft of the new Article 16 of the Convention on the “Wounded and Sick”, has disappeared from the final text.³ The interpretation of the German Federal Government tended more towards a charter of the duties of chaplains rather than a charter of their rights.⁴

¹ J. S. Pictet, *Commentary I*, p. 82.

² *Ibid.*, p. 248.

³ ICRC, *Proceedings of the Meeting for the Study of Treaty Stipulations relative to the Spiritual and Intellectual Needs of Prisoners of War and Civilian Internees*, Geneva, May 1947, p. 7.

⁴ *ZDv 15/15*, p. 11, Nos 14 and 15, *Aufgaben der Militärgeistlichen*: “Militärgeistliche haben seelischen Beistand zu gewähren. Sie üben ihre Aufgaben im Rahmen der Gesetze und Verordnungen des Gewahrsamsstaats und in Übereinstimmung mit ihren religiösen Verantwortungsbewusstsein aus (III, 33 Abs. 2, 35, Satz 1). Sie sind jedoch nicht auf die seelsorgerische Tätigkeit beschränkt und können insbesondere: — persönlicher Berater sein, — den letzten Wunsch sterbender Soldaten entgegennehmen und weiterleiten, — sowie häufig auch materielle Hilfe leisten.

Die Militärgeistlichen haben ferner, soweit möglich, die Gefallenen ihrer Religionszugehörigkeit nach der Riten der Religion zu bestatten. Die Staaten sind verpflichtet, die Militärgeistlichen bei dieser Aufgabe im Rahmen des Möglichen zu unterstützen (I, 17, Abs. 3, Satz 1)”.

The fact that the rights are inalienable nevertheless indicates that they are personal. The problems that may arise in the case of sanctions or of complaints by protected persons whose individual rights have been infringed by their State of origin also stress the individual nature of the rights enjoyed by the persons made responsible for spiritual assistance.¹ The barely developed character of current international law is considered by J. S. Pictet to be the reason for the inadequacy of the guarantees surrounding the rights conferred on persons referred to in the Conventions. The evolution of the law of nations, which has become international law, may supplant the rights of assistance personnel, which, basically, are no more than proxy rights. This tendency is made more pronounced by the fact that such proxy is more and more often refused or at least contested in spiritual matters. The result could equally well be the extension of the right of spiritual assistance rather than its contraction.

The *rights granted to chaplains* apply only to this particular category of persons capable of providing spiritual aid.

In the Commentary to the Conventions, J. S. Pictet stresses that "protection is conferred only upon personnel exclusively engaged in the duties set forth in Article 24, namely, . . . service as chaplains attached to the forces". His explanation leaves no possibility of doubt: "Chaplains, to be accorded immunity, must be attached to the armed forces. They do not attach themselves. The decision will rest with the competent military authorities and the relationship must be an official one. Accordingly, ministers of religion who wish to serve in a non-official capacity, are not covered by the Convention, and until such time as they have been regularly appointed, act at their own risk and peril. . . Chaplains cannot assume their medical character temporarily".²

The problem of regular appointment in the case of chaplains of groups other than regular units of the armed forces is raised by H. E. Koerber. He suggests the recognition of these chaplains by an official document expressing the consent of the (senior) person in charge of the unit concerned.³ A strict interpretation of the provisions in the Conventions also excludes protection of auxiliary chaplains. The German circular already mentioned is definite on this point, while calling for a humanitarian attitude in conformity with the spirit of the Conventions in regard to such persons.⁴

¹ J. S. Pictet, *Commentary I*, p. 54.

² *Ibid.*, pp. 228, 220 and 222.

³ H. E. Koerber, *op. cit.*, pp. 420-421.

⁴ *ZDv*, 15/15, No. 11, p. 10. This circular refers on this subject to the circular *ZDv* 66/1, No. 16.

It is clear that the legislators of 1949, in attempting to define a precise boundary for spiritual assistance, took refuge in the highly structured institution of the military chaplaincy. But, apart from the fact that criticisms may be and have been made against the institution as such this status quo does not respect the wider and more complex reality of the churches' presence in situations of conflict. On the contrary, it tends to constitute a body that in itself cannot represent the whole church, whichever church it may be. Because of its subjection to the military system, this body may even alter the nature of spiritual assistance by monopolizing the expression of the churches. This criticism, which derives from analysis of a legal status inadequate to meet the requirements of the right of spiritual assistance, is in no way intended as a condemnation of chaplains, whose heroic generosity has rarely been denied. Its aim, in fact, is to ensure that this generosity is enabled to continue.

The rights of chaplains are granted to them *on condition that they abstain from any hostile act*. For medical personnel proper, the condition of abstaining from any hostile act is explicitly formulated in the obligation of their being exclusively engaged in medical duties (art. 24 (para. 1), First Convention and corresponding articles in the Second and Fourth Conventions). The text is more discreet, and more flexible, with regard to chaplains who, finally, are not subjected to this exclusive assignment. It gives to this category of persons the possibility of having activities that do not derive exclusively from their spiritual mission, provided that they are not harmful to the enemy.

The last condition is in fact contained in articles 21 of the First Convention, 34 of the Second Convention and 19 of the Fourth Convention. Articles 22 of the First Convention and 35 of the Second Convention complete these provisions by indicating the facts that do not incur loss of protection. But the provisions mention units and establishments and not persons. It is difficult to see how the two can be separated.

Moreover, they provide only for the cessation of protection. What happens to the other prerogatives of protected personnel, especially the right to respect? The Commission which met on 3 and 4 March 1947 had foreseen this eventuality, more particularly in the case of protected personnel who escaped. The ICRC had drawn its attention to this problem: "The experts pointed out that to their knowledge it had never or almost never happened that a chaplain retained as a prisoner had escaped. They considered that any chaplain who escaped and was recaptured should be punished at least as severely as a prisoner of war, because of the moral responsibility incumbent on him. They even asked

for the maximum penalty to be fixed at sixty days' arrest but thought that chaplains should not lose their privileges except during the period of punishment and should recover them immediately the punishment was ended, in order to resume fully the exercise of their ministry".¹

The legislators of 1949 obviously never for an instant considered the possibility of violent acts by ministers of religion. The Commission of 3 and 4 March 1947 simply thought that "spiritual comfort and care of the wounded should never be considered as offences".²

The problem, in fact, arises less with regard to international law than to internal legislation. Members of assistance personnel enrolled compulsorily had found themselves at odds with the penal laws of their own country and had been in some cases condemned for treason. We must envisage, as H. E. Koerber does, the possibility of ministers of religion taking a direct part in hostilities. In such a case, they would come under the general rules applying to combatants.

The situation of spiritual assistance personnel protected by the Conventions who might take part in combat is different. Persons placing themselves in such a situation would not only lose their privileged status, they would incur sanctions. The bearing of arms and their possible use for self-defence may not, however, be considered as direct participation in the conflict.³

The criterion of direct participation in the conflict therefore splits religious personnel into two categories, combatants and non-combatants. It is easy to discern to which category an individual belongs. The chaplains' attachment to a specialized unit forming part of the armed forces undisputably makes the distinction easier. It is nonetheless open to dispute, for the reasons stated above.

Conclusion

Despite some retrogressive features and some gaps, the definition of the rights of spiritual assistance personnel in the Geneva Conventions

¹ ICRC, *op. cit.*, p. 10.

² *Ibid.*

³ H. E. Koerber, *op. cit.*, p. 425. Koerber refers to other authors on the subject: Berber, *Lehrbuch des Völkerrechts*, II Bd. Kriegsrecht, p. 140 and Von Der Heydte, *Völkerrecht*, Bd. II, p. 352. But according to the interpretation of the Federal German Government, such arms may not be used to defend themselves against capture (cf. *ZDv 15/15*, p. 14, No. 24).

of 1949 is definitely an advance on the previous provisions. The Conventions sometimes leave room for doubt regarding their possible interpretation. But, all in all, the right of spiritual assistance gains in precision and force. Its extension to cover civilians would alone justify the work of the Diplomatic Conference. Many other advances have been achieved on points of detail, mostly in random order.

Is it justified to present the right of spiritual assistance as a single corpus? Analysis shows no way of deciding, and the question therefore remains open. The legal material relating to spiritual assistance in the Conventions is discrete: it is more suitable for analysis Convention by Convention and Article by Article. We hope, however, that our efforts to provide a synthesis of the various parts will pave the way towards more humane understanding of the presence of the churches in situations of conflicts. Indeed we believe that only an overall approach that sees man as a whole is likely to ensure proper respect for spiritual assistance. The structure of the rights of spiritual assistance in armed conflicts and their place in law make it legitimate to refer to them as human rights.

Differences in tone and in emphasis are perceptible in the various texts. They reveal the hesitations, the gropings, and occasionally the contradictions of international legislators, whose task, be it admitted, was not easy. It was not a simple matter to lay down the law in a highly sensitive area, where the authorities are numerous and entrenched in their respective beliefs and where even the language is imprecise, revealing substantial disagreements.

In one way, it was the church as an institution which triumphed at the 1949 Conference, and with it a conception of spiritual assistance whose dominant characteristics are its specific nature and the isolation in which it is held. Of course, it is necessary to consider the original nature of spiritual assistance; but such a conception runs the great danger of making it marginal, if it is exclusive. Spiritual life is first of all linked with the dominant form of worship and morality. Thus enclosed in its own reserved sphere, as a separate practice from the rest of existence, it is threatened with a total loss of credibility. Finally, there would be nothing left but purely formal outward recognition of a phenomenon that would have lost all real impact. Such a development might not, perhaps, upset the legal experts, devoted above all to simplicity and clarity. We feel that the right of spiritual assistance cannot be content with such formal recognition. It must be recognized in its wider reality and especially in its dynamic aspect. Like the life of the spirit itself, the right of spiritual assistance should constantly surpass itself. It should primarily be understood as extending beyond the pattern imposed by the base

outline given in the texts of the Conventions. Between the lines of these texts it is possible to read new and cogent interpretations.

In pursuing the above study, we believe that we have discerned an aspiration towards a wider democratization of spiritual assistance. Some of the provisions prepare for spiritual assistance to be provided by an ever growing group of persons not belonging to the official personnel of the military chaplaincy services: by other ministers with different status, even by the community as a whole. A further possibility lies in the link created between religious, intellectual and artistic assistance. This link is often no more than similarity of vocabulary and procedures, or juxtaposition of texts. Yet it is legitimate to deduce from this a hypothetical right of spiritual assistance which would encompass the other forms of assistance, without eliminating their specific character. The interest of such a hypothesis is that it makes the right of spiritual assistance more efficacious and better understood. The key to this potential adjustment lies in the statements on which our argument is based. Spiritual assistance possesses a dual nature, and to receive it is as important as to provide it. The institutions assuming this duty have no alternative but to accept the new perspectives which it offers or to sink into obscurity.

It is unlikely that any such far-reaching ideas were in the minds of those who drafted the texts of the 1949 Conventions. With the addition of the two Protocols signed in 1977, these Conventions are currently in force. The final legal problem is to interpret these provisions not only to determine how they may be applied but to improve their power to succour human beings in time of war. It is up to those human beings to provide an interpretation, in which bad and good will inevitably be intermingled. ¹

Jean-Luc HIEBEL

¹ We draw our readers' attention to J.-L. Hiebel's forthcoming book: *Assistance spirituelle et conflits armés — Droit humain*, Henry Dunant Institute, Geneva, 1980, 426 pp. — The foregoing article has drawn from it liberally.

The Fundamental Principles of the Red Cross

COMMENTARY

by Jean Pictet

(continued)

(b) Military neutrality

The principle goes on to state that the Red Cross *may not take sides in hostilities*. This refers to neutrality in the military domain, and this is indeed the initial understanding of neutrality.

The affirmation is an obvious one, but it is nonetheless essential. Some people have found it too laconic, even curt. It is true enough that the expression should apply to all forms of conflict and not only to military operations in the narrow sense. Furthermore, it should cover not only conflicts between nations but also civil wars and internal disorders. It might accordingly be better to say, *the Red Cross may not take sides in armed conflicts of any kind*.

We do not need to discuss here the neutrality of States, that is, the position adopted vis-à-vis countries at war by another country, described as neutral, which takes no part at all in the conflict. We are discussing instead what is meant by the neutrality which the Red Cross must observe in times of conflict.

Under the Geneva Conventions, persons caring for the wounded and sick, who may belong either to the military medical services or to the National Red Cross Society, are protected even on the battlefield.¹

¹ In the first Geneva Convention, of 1864, there is specific reference to the *neutrality* of medical personnel. This term has not been kept, since it may give rise to confusion, and the successors to the 1864 Convention have referred instead to the protection of such military medical personnel, but the concept of neutralization has persisted and is still meaningful in common parlance.

Such personnel must be respected; so must hospitals and ambulances. They may not be attacked. It is natural as a counterpart to this neutrality that such personnel must abstain from any interference, direct or indirect, in war operations. Regarded by the enemy as neutral, in the interest of the victims, these persons are required to conduct themselves as such, unswervingly. Being placed above the conflict, they must not commit acts which the Conventions refer to as *harmful to the enemy*, that is to say, acts which by favouring or interfering with the hostilities are injurious to the adverse party. One example, among the most serious, would be tolerating a military observation post on the roof of a hospital.

In major armed conflicts, members of the medical personnel in enemy-occupied territory have sometimes engaged in “resistance” and in so doing have committed or encouraged acts of espionage or sabotage. They were assuredly acting on the basis of the highest and most honourable motives of patriotism. They were nevertheless violating the laws of the Red Cross and in doing so running the risk of sanctions which might harm many innocent persons. If, in the general interest of everyone, we wish to have Red Cross institutions continue their work in occupied territories, their agents must, through irreproachable conduct, continue to maintain the full confidence of the authorities. One cannot, at the same time, serve the Red Cross and fight. One must choose.

Military neutrality also applies to all spheres of Red Cross action in time of war. For example, a National Society should refuse to take part in the collection of money for national defence.

Reciprocally, in terms of both the letter and spirit of the Geneva Conventions, the authorities must not place any obstacle in the way of Red Cross relief activities, for humanitarian assistance must never be regarded as interference in the conflict, or in other words as a violation of neutrality.

(c) Ideological neutrality

The Proclamation goes on to specify that the Red Cross may not *engage at any time in controversies of a political, racial, religious or ideological nature*. This is the second sense of neutrality. The term is used to characterize the reserve which the whole Red Cross must maintain with regard to any doctrine except its own, the distance it maintains between itself and controversies which are foreign to it and which would compromise its universal character. The Red Cross responds to the

needs of all men and acts in accordance with principles accepted throughout the world. In doing so, perhaps without even knowing it, it places itself in the vanguard of civilization. The neutrality of the Red Cross is a sign of its serenity, of fidelity to its ideal. Any ideology to which the Red Cross might attach itself could only serve to diminish its freedom of action and reduce its objectivity.

This kind of neutrality is not the same as military neutrality, though it is coming more and more to resemble it in our age of "cold wars". If, as was once said, war is politics carried on by other means, we could reverse the terms in our time and say that politics is war carried on by other means.

Neutrality manifests itself above all in relation to politics, national and international, and Red Cross institutions must beware of politics as they would of poison, for it threatens their very lives. Politization undoubtedly constitutes the greatest danger now confronting the Red Cross.

The Eighteenth International Red Cross Conference in 1952, taking note in a Resolution that questions of a political nature had been put before it, *expresses its determination not to allow such issues to undermine the work of the Red Cross at any time and declares its unabated faith in the Red Cross as a movement concerned solely with humanitarian activities which help to promote mutual understanding and goodwill among nations whatever their political differences.*

Such an attitude is now however being challenged in some quarters. Certain schools of thought maintain that everything, in the existence of a nation or even of an individual, is subordinate to political or ideological requirements. The demand is made that everyone "commit himself" and anyone refusing to do so is accused of cowardice. The Red Cross is not exempt from this pressure, and more and more demands are made upon it to enter the sphere of politics.

It must resist this trend with every ounce of energy. Once it entered this field in which powerful forces are running wild, the Red Cross would be creating dissension within its own ranks; it would be divided against itself and head towards inevitable disaster. It would also be abandoning its own essential and unique character, which distinguishes it from all other national and international organizations and enables it to accomplish what no other institution or person can achieve. The Red Cross must make it clear to those concerned that it constitutes an exception, at a time when, throughout the world, things are becoming more and more politicized.

We are not suggesting by this that politics in itself is evil. It has its value, to the extent that it contributes to the establishment of an order which will be beneficial to the largest number of people, by placing power in the hands of justice, and to the extent that it maintains at least a minimum degree of objectivity. The carrying out of such plans however is difficult, and goes beyond the means available to the Red Cross. The world of politics is characterized by struggles which reach the pitch of savagery; it is not only rival interests which are in conflict, but even sincere advocates of social progress, of this, that or the other party.

The Red Cross cannot compromise itself in this wild turmoil. It has therefore confined itself to fields of action in which there are no such disputes, or at least should not be, and aims at carrying out tasks which rally virtually unanimous support. If anyone presents the Red Cross with the well known and destructive dilemma embodied in the phrase, "whoever is not with me is against me", may it always reply, "I am with all those who suffer, and that is sufficient".

Reserve does not in any sense imply disdain or hostility however. It is clear indeed that the Red Cross Society in a country under an authoritarian regime cannot serve as a centre for opposition to the regime or to any party or faith. It can thus display an attitude of benevolent neutrality towards temporal or spiritual authorities, maintain good relations with them and co-operate with them in humanitarian activities, since the National Societies are called upon to serve as auxiliaries to governmental institutions.

All that can be asked of the Societies is that they do not militate for projects or ideas which do not have an essential connection with the Red Cross mission; that they do not adhere to a political party, even the governmental party. In the same way, Red Cross leaders, as far as possible, should refrain from performing any prominent public function and from being politically identified. Only in this way will the National Societies be able to maintain the confidence of every part of the population and not only act impartially but be recognized as doing so, no matter what happens, especially in the event of civil war or domestic disturbances. By conducting themselves in this manner, it is to be hoped, they will win the right to give assistance to all who are in need of it, including the people viewed with disfavour by the ruling class and therefore in danger of receiving nothing.

The National Red Cross Societies should be more open to contacts with their opposite numbers abroad, known by the delightful and

appropriate name, "sister Societies". At international Red Cross gatherings, delegates fraternize with one another and friendships are established, but these are something like holiday friendships. What is left of them after everyone goes home? It is enough for a crisis to arise, or even a difference of opinion between two countries, for these precious ties of friendship to vanish with the wind, a sad occurrence we have seen more than once. The National Societies however constitute an ideal intermediary for helping, outside the field of diplomacy, to resolve the acute humanitarian problems which are especially likely to arise at the time of an impending conflict, a fact recognized by the Twenty-first International Red Cross Conference, which urged such contacts between Societies in its Resolution XXI. A further question arises. How can the Red Cross play a role in the development of a spirit of peace if its national branches do not maintain among themselves relations of peace, mutual confidence and friendship? They must make a beginning by reaching out to one another across the boundaries which divide nations and coalitions of nations—otherwise all work in this field will be in vain.

The Proclamation goes on to speak of religious neutrality. This requirement has been a dominant one in the institution since its birth and has never since been disputed. At the very beginning, though the founders of the Red Cross were themselves motivated by the spirit of Christianity, they were determined to establish a purely laical organization. One cannot indeed conceive how it could be otherwise, since it was intended that the institution should by its very nature be universal. Likewise, the emblem of the red cross on a white background has no religious significance. This was proclaimed by the conferences which created this emblem in deliberately chosen terms, so that it would forever be universal and neutral, an emblem for peoples of all nations and of all beliefs.

It is self-evident that the ICRC must also observe, and with particular strictness, complete ideological neutrality. The ICRC nevertheless is unceasingly confronted by political events. Indeed, like a swimmer, it is in politics up to its neck. Also like the swimmer, who advances in the water but who drowns if he swallows it, the ICRC must reckon with politics without becoming a part of it.

Having arrived at this point in our analysis, we can see that in two of the meanings given to neutrality—military neutrality and ideological neutrality—and in these alone, the principle of neutrality as set forth in

the Proclamation has a universal character and is valid for the Red Cross as a whole.

Other aspects of neutrality

Neutrality however does have further connotations for the Red Cross, into which we do not have to enter in detail here, since these concern particular cases not mentioned in the Proclamation and mainly refer to the Red Cross body which is the very embodiment of neutrality, the ICRC. It is thanks to the fact that its members and principal staff members belong to a country whose neutrality is permanent and traditional that the ICRC, in times of war and turmoil, has a solid base for its mission as an intermediary. This neutrality, reinforced by ideological neutrality, offers belligerents an added guarantee of its independence.

Neutrality also is the attitude observed by the ICRC in its relations with governmental entities, treating them on the basis of equality, not expressing itself on their legitimacy, not considering whether they are recognized, not judging their politics. If it acts in this way, it does so not in order to waste its energies in idle diplomatic procedures but so as to gain access to victims in need of help, and these victims are in the power of the States. It is therefore necessary to obtain the required authorization from States and to maintain the relations of confidence essential for continuing co-operation.

This is also the reason why, as a general rule, the ICRC abstains from making public pronouncements about specific acts committed in violation of law and humanity and attributed to belligerents. It is obvious that insofar as it set itself up as a judge, the ICRC would be abandoning the neutrality it has voluntarily assumed.¹ Furthermore, in the quest for a result which would most of the time be illusory, demonstrations of this sort would compromise the charitable activity which the ICRC is in a position to carry out. One cannot be at one and the same time the champion of justice and of charity. One must choose, and the ICRC has long since chosen to be a defender of charity.

Jean PICTET

(To be continued)

¹ This does not of course in any sense prevent the condemnation of inhuman practices such as torture.

INTERNATIONAL COMMITTEE OF THE RED CROSS

Death of Professor Eric Martin

The news of Professor Eric Martin's sudden death on 6 January, in his eightieth year, was keenly felt by the International Committee and by all who knew him.

Professor Martin, a former President of the ICRC, had a distinguished career. Born in 1900 in Geneva, he studied medicine in that town and then in Paris, Strasbourg and Vienna, and opened his practice in Geneva in 1929. He was in charge of the University medical clinic from 1936 to 1970, was twice Dean of the Faculty of Medicine (1956-58 and 1965-66) and Rector of Geneva University from 1960 to 1962. He was a member of many Swiss and foreign medical associations and academies, doctor *honoris causa* of the University of Aix-Marseille, and member correspondent of the Paris Academy of Medicine.

He was the author of some three hundred publications on diabetes, rheumatism and geriatrics, in which subjects he specialized, and on the social aspects of modern medicine. In the last few years he had been contributing to a Geneva newspaper a weekly medical article which his intelligence and human feelings made a message of encouragement and hope.

Formerly President of the Geneva Section of the Swiss Red Cross, and a member of the Central Committee of that National Society for which he was a delegate to the International Red Cross Conference in Stockholm in 1948, Professor Martin was invited in 1973 to assume the presidency of the International Committee. During his four-year term of office he gave himself entirely and unsparingly to that difficult and

absorbing task with a breadth of vision, open-mindedness, unaffectedness, good will and kindness which won him the respect and loyalty of all. He was a man of radiating personality and stimulating drive which inspired others to surpass themselves, to strive always to do better.

He was greatly interested in the activities of the National Red Cross Societies, many of which he visited, conferring with them on the problems they had to face and establishing confidence and close and lasting friendship with their leaders. During his term as President of the ICRC he applied himself particularly to two problems of our times of concern to the Red Cross, the efforts to eliminate torture and to promote peace. He gave support and all his energy to the quest for solutions.

In recent years Professor Martin was still very active. He took part in the meetings of the ICRC Assembly; he conducted seminars for the Red Cross and studies into social medicine; only a month before his death he presented to the Henry Dunant Institute a report on the humanization of medicine and hospitals which was a model of accuracy and foresight. This was a subject he held dear all his life, which he developed in his courses to students, and which he taught by example: the doctor should aim not only to apply his skill to the treatment of his patients but should, as should all men to one another, show goodness, understanding and human sympathy.

Six months before his death, in one of his articles, Professor Martin wrote the following lines which can hardly leave us unmoved:

“ Something new was being brought home to the old doctor: his health was going to be a subject for concern and never again would he feel himself in fine fettle as he had only six months earlier. He was not indifferent to the realization; it made him think. It is perhaps not entirely useless for a doctor to know what it is to have a chronic ailment, to be in pain every day, to feel tired, with no resistance, to have lost the spirit of enterprise and the will to take action. . . . He must overcome his ailment the better to bear it; he must occupy his mind and organize his life to suit the strength remaining to him. Of course this presents him with a choice, but he must live life to the full, not in vain fuss and frenzy, but to achieve what is true satisfaction. The worst thing is to await, anxious and inactive, for the disaster, yielding to the pretext that the effort is too much, that he has not got the strength. He must make the best of every day as if life was still to go on for a long time. To have always enjoyed the benefits of good health is a privilege which brings with it the duty of repaying some of the friendship and affection of those who gave you so much. True, it is never pleasant to learn that one is seriously

ill, but the old doctor is grateful for having been confronted with responsibilities: he will try to face up to them to endow some meaning to this last lap of life.”

This calm lucidity, this penetrating intelligence, and this altruism revealed in this passage epitomize Professor Martin who leaves a bright, moving and grateful memory with all who were in contact with him.

ICRC delegate killed in accident in Uganda

The International Committee of the Red Cross was grieved to learn of the sudden death in a car accident on 17 January 1980 of Miss Christine Rieben, a delegate in Uganda.

Miss Rieben, single, 30 years of age, joined the staff of the ICRC in July 1978. After training with the Central Tracing Agency she went out to N'Djamena for the Agency in March 1979. After a six-month mission in Chad and a short time at ICRC headquarters, she was posted to Kampala on 18 December last.

Her loss is deeply felt by all the ICRC which extends to her family and friends its profound sympathy.

Two other ICRC delegates in the car were injured: Mr. Pierre Pont, in charge of the ICRC delegation in Kampala, and Miss Catherine Vontobel, secretary. An employee of the Ugandan Red Cross, Mr. Jimmy Lumu, was slightly injured.

Allocations from the Maurice de Madre French Fund

The Maurice de Madre French Fund was founded a few years ago with a large legacy bequeathed to the ICRC.

On 20 November 1978 a circular ¹ was sent to all National Societies reminding them of the existence of the Fund and inviting them to apply, in the first quarter of each year, for allocations to their delegates or nurses who qualify for grants from the Fund.

According to article 2 of the Fund Regulations, the income of the Fund is intended to help personnel of national or international Red Cross institutions who have suffered injury in the course of their work or during relief operations in the event of war or natural disaster and have thereby found themselves in straitened circumstances or reduced health.

So far the Board of the Fund has allocated three grants, one to a former ICRC nurse injured in Jerusalem in 1948, one to an Ethiopian member of the League staff and the third to a Lebanese Red Cross voluntary first-aider who was a member of an ambulance team, and wounded in 1978. The sum of these three grants is 17,000 Swiss francs.

During the meeting of the Council of Delegates in Geneva, on 3 October 1979, National Society representatives present were reminded of the awards provided for in the Fund Regulations under the conditions set forth in the circular which the ICRC had sent to National Societies on 20 November 1978.

¹ The circular was reproduced in the January-February 1979 issue of *International Review of the Red Cross*. See also the February 1976 issue.

EXTERNAL ACTIVITIES

Africa

Rhodesia

In November and December 1979, the ICRC delegation continued its various activities arising from the conflict in Rhodesia. In November, it distributed 269 tons of foodstuffs, 1,500 blankets, 3,000 items of clothing and 7 tons of soap to about 81,000 displaced persons. The value of the goods distributed was about 168,000 Swiss francs.

From 1 June to 1 November, the aid furnished by the ICRC in Rhodesia comprised 97 tons of powdered milk, 1,164 tons of foodstuffs, 34 tons of soap, 20,000 blankets and 21,000 items of clothing.

ICRC aid to detainees and their families amounted, in November, to about 8,000 Swiss francs. This amount included the cost of transport to carry families visiting their relatives in prison.

In December, ICRC delegates visited Wha Wha prison where they saw 87 persons detained on security grounds.

The ICRC delegation's tracing service in Salisbury opened, in November, 47 more enquiries for missing persons and obtained results in reply to twelve enquiries made earlier.

The Salisbury tracing office, in conjunction with the ICRC delegates in Lusaka and Francistown, was successful in reuniting the members of two families. In one case, the enquirer was reunited with his son, who was traced in Zambia by the Central Tracing Agency; they were brought together on 27 October, under ICRC auspices, at Plumtree in Rhodesia close to the border with Botswana. In the second case, the ICRC had been asked by a European couple in Salisbury to trace their daughter, who had disappeared; she was finally found in Botswana.

Angola/Namibia

The ICRC was requested by both the Angolan and South African Governments to make arrangements for the return to Angola of an Angolan aircraft which had made a forced landing in Namibia in July 1979 and at the same time for the return to South Africa of a South African plane which had been in Angola since April 1979.

On 16 December, the ICRC delegate in Pretoria escorted the four passengers of the Angolan aircraft as far as Kinshasa. From there they proceeded to Luanda, where they were met by the ICRC delegate in Angola, who handed them over to the authorities. On 22 December, each of the two aircraft was flown back to its own country.

In November 1979, the ICRC forwarded to Angola 17 tons of equipment and 6 tons of relief supplies for the Bomba Alta orthopedic centre in Huambo Province, where seven persons sent by the ICRC are working. They include three orthopedists, three physiotherapists and one prosthetist.

Uganda

The ICRC medical aid programme in Uganda is being phased out now that the emergency period following the armed conflict which rocked the country has ended. A sum of 100,000 Swiss francs—the last to be allocated—was set aside for the purchase of medicaments and other medical supplies for those provincial dispensaries and medical centres which had not yet been granted government assistance.

The ICRC's protection tasks continued, however. In a series of visits extending from 28 November to 14 December 1979, an ICRC delegate and a medical delegate went to eight places of detention in the east and west of Uganda. They handed over in the prisons visited by them relief supplies to a value of about 20,000 Swiss francs.

On 12 December, an office of the Central Tracing Agency (CTA) was formally opened in the ICRC delegation in Kampala. After the publication of a number of articles on the CTA's functions and tasks in the local press, about thirty persons came to the office seeking news of missing relatives.

Ethiopia

The ICRC provides aid, through the Ethiopian Red Cross, for some 32,500 displaced persons in the province of Harar. A recent survey in this area revealed that these civilians, who were victims of the fighting in past years, still needed considerable assistance, estimated at about 20 tons of foodstuffs every month.

Furthermore, at the beginning of December, the ICRC provided the Ethiopian National Society with about 29 tons of foodstuffs and two tons of powdered milk for distribution in the provinces of Mekele and Gondar.

Zaire

On 12 and 13 December 1979, ICRC delegates visited the military camp at Lokandu in Zaire, where they saw 163 detainees. The delegates spoke with detainees of their choice, without witnesses.

The ICRC has been granted authorization to visit all civilian and military places of detention, as well as gendarmerie prisons in Zaire.

Chad

In November and December 1979, the ICRC delegates arranged for the transfer of a number of prisoners of war and civilian internees from one part of the country to another. Eleven prisoners of war who had been held on Tchongolet Island in Lake Chad were released and went home to their native villages in the south, with ICRC aid. About a hundred adult civilians and just over a hundred children were also helped by the ICRC to return to their homes. They travelled on board the aircraft carrying ICRC relief supplies.

A special flight was organized on 20 November to deliver 4.6 tons of food and 1.4 tons of medicaments to Sarh. The medicaments were for the town's central hospital and for the dispensaries in the Moyen Chari area, while the food was handed over to the local branch of the Chad Red Cross which was to distribute it to displaced persons.

Altogether 49 tons of food was distributed in Chad in November.

Latin America

Nicaragua

In November and December, ICRC protection and assistance activities were continued in Nicaragua.

Mr. André Pasquier, ICRC delegate general for Latin America, went again to Nicaragua on a mission lasting from 12 to 21 November. In Managua, he met the Ministers of Foreign Affairs and of the Interior and a member of the Junta, and discussed with them the prospects for ICRC humanitarian activities in Nicaragua and the difficulties which had arisen during visits to some of the places of detention. Mr. Pasquier received full assurances from his interlocutors that the ICRC's work could be pursued and that its delegates would be allowed all facilities for access to the places of detention in the country.

During the second half of December, ICRC delegates visited three places of detention in Managua and others in Esteli, Ocotal, Somoto and Puerto Cabezas. Between 18 and 24 December, 7,500 Christmas parcels were distributed by the ICRC in various prisons.

From now on, ICRC assistance will be confined to the needs in places of detention. In October, November and December 1979, it amounted to about 154,000 dollars.

The supply by the ICRC of medicaments to hospitals will soon be terminated, as from January 1980 this activity is taken over by the Ministry of Health.

ICRC aid to the families of former national guard members, who had taken refuge in the "Seminario", was also terminated, when all those families returned to their homes.

Bolivia

Following the coup d'état on November 1st in Bolivia, violent disturbances took place in many parts of the country, causing numerous dead and wounded. The Bolivian Red Cross, with the help of many first-aiders, went immediately into action to succour the casualties and asked for ICRC assistance, especially in the medical field.

Mr. François Robadey, ICRC regional delegate for the Southern Cone countries, based on Buenos Aires, flew to La Paz on 10 November, with the purpose of assessing, with the National Society, the humanitarian needs and to enquire about the victims. He took part in the operations to release several hundred civilians who had been held as hostages by peasants in various places, including Copacabana, Tiquina and, in the Andes, Sorata.

Mr. Robadey also went with Bolivian Red Cross officials to Aruro, Sucre, Cochabamba and Santa Cruz and other towns in the provinces to find out what the local Red Cross branches needed in the way of equipment. In many places, voluntary workers, who had braved considerable danger when removing the wounded and dead, had very little material of any kind and were unable to accomplish as much as they might have done. The ICRC, therefore, released the sum of 40,000 Swiss francs for the purchase of emergency supplies and medical equipment and provided the National Society with an ambulance. The League of Red Cross Societies also sent a delegate and furnished the Bolivian Red Cross with emergency wireless equipment to help it in its relief work.

The situation having gradually returned to normal, the ICRC delegate returned to Buenos Aires on 11 December.

Colombia

A series of visits to places of detention in Colombia, begun on 29 October 1979, ended on 21 December. ICRC delegates, including a doctor, went to 14 places of detention under the civilian and military authorities in Bogota and other towns. Altogether 254 persons detained on security grounds were visited.

One of the delegates, Mr. Jean-Jacques Surbeck, of the ICRC Documentation and Dissemination Division, also attended, while in Colombia, the first National Seminar on the Dissemination of Humanitarian Law organized by the Colombian Red Cross Society, and held at Melgar from 14 to 17 November.

Argentina

In December 1979, continuing their visits to places of detention, ICRC delegates in Argentina went to Rawson Prison, where they saw 270 detainees, and to a hospital where they visited a sick detainee.

The ICRC continued to provide assistance to the families of detainees. In November, it spent 16,100 dollars on aid to 986 families and also gave assistance to 86 detainees.

KHAO I DANG — A CAMP IN THAILAND

The four photographs on the following pages illustrate the installation, which took five days, of the Khao I Dang refugee camp some ten kilometres from the Khmer-Thai frontier.

1. Saturday 17 November—The ICRC and HCR representatives inspect the site chosen by the Thai authorities. Here the camp will be erected: a virgin plain, bordered in the distance by the hills from which the camp will take its name.
 2. Sunday 18 November—Three hundred and fifty local workers recruited by the ICRC arrive at the spot on which the hospital will be located. Hundreds of bamboo poles are unloaded from the lorries, to make the framework for the buildings. The work is done by hand: the workers cut the trees with axes and clear acres of land with sickles.
 3. Monday 19 November—The site is already changed beyond recognition. A huge cloud of dust is visible from afar, testifying to the hard work going on. Bulldozers have scoured out tracks. The camp's basic layout is beginning to take shape.
 4. Wednesday 21 November—Arrival of the first refugees. All pass through a medical screening centre where the sick are examined by staff of the ICRC and of National Societies before being taken for treatment to a hospital with all the basic services (gynaecology and obstetrics, nutrition, paediatrics, surgery, and so forth) and a capacity of 1,200 patients.
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Asia

Assistance to the people of Kampuchea

The joint ICRC-UNICEF action for the benefit of the Kampuchean people continued in November and December, both in Kampuchea itself and in Thailand in the vicinity of the frontier.

Kampuchea

Several tens of thousands of tons of relief goods were sent to Kampuchea by the ICRC and UNICEF in co-operation with the World Food Programme (WFP) during the last two months of the year. Two aircraft on loan from the Australian and French Governments, and a third financed by the Netherlands Red Cross, provided daily shuttle services from Bangkok and Singapore to Phnom Penh. In December alone 116 flights brought in 2,300 tons of relief supplies to Phnom Penh, while 15,000 tons of food was unloaded at the port of Kompong Som.

In December also, the ICRC and UNICEF delegates took part in relief distributions in the provinces around the Tonlé Sap lake. From the 14th to the 21st they accompanied a convoy of 23 lorries on a 900 km trek to the provinces of Kompong Chhnang, Pursat, Battambang and Siem Réap to distribute some 200 tons of food and medicaments. Impassable roads and collapsed bridges compelled the convoy to keep to the arterial highways.

This tour enabled the ICRC and UNICEF delegates to see how the inhabitants of these provinces were faring. It appeared that while the population was not actually starving it was undernourished, the most serious cases being in hospitals and orphanages.

The delegates felt strongly that a considerable effort must be made to step up distributions, for very little of the international relief has actually been distributed. The logistic infrastructure, with more than 150 lorries provided under the joint relief action and another 300 or so provided by the USSR, should be sufficient to distribute large quantities of relief.

Mr. Jean-Pierre Hocké, Director of ICRC Operations, went to Phnom Penh in mid-December, when he conferred on the distribution problem with the Ministers of Foreign Affairs, Commerce and Health, and with

the senior officials of the Red Cross. A day in Takéo province, south-east of the capital, enabled Mr. Hocké to get an idea of the situation.

Thailand

In Thailand, despite the unstable and dangerous situation, the ICRC and UNICEF, in liaison with the Office of the U.N. High Commissioner for Refugees, continued co-ordinating humanitarian aid along the border.

Dispensaries have been set up in each refugee camp, with essential medical services (surgery, obstetrics, general medicine, etc.). For the treatment of wounded persons surgical centres displaying the red cross emblem have been set up outside the Samet and Mak Mun camps and several field hospitals are serving the region.

By the end of the year the medical personnel working under ICRC responsibility for Kampuchean refugees in Thailand numbered 840 persons; 400 from voluntary agencies and 440 from the International Red Cross. The National Red Cross Societies of 17 countries had medical teams in Thailand: Australia (6 teams), Belgium (1), Canada (16), Denmark (6), Finland (3), France (11), Federal Republic of Germany (13), Iceland (1), Ireland (3), Netherlands (3), New Zealand (7), Norway (2), Sweden (3), Switzerland (7), the United Kingdom (1), the United States (13), and Thailand (78 persons).

Indonesia

The action undertaken by the Indonesian Red Cross and the ICRC for 60,000 people in East Timor was carried on in November and December. Some 150 Indonesian Red Cross voluntary workers with a doctor and a relief specialist from the ICRC are taking part in the programme.

By the end of December 4,150 tons of food, medicaments, blankets and so forth to a value of 4.5 million Swiss francs had been delivered by boat and plane to Dili. Relief goods are stored in warehouses in that town and at Laga and Beaço (logistic bases accessible by sea) ready for transport by air (or land when possible) to the village where they are taken over by the voluntary workers of the National Society. From October to December about 600 tons of food was distributed. The

assistance programme also includes medical aid to improve the general state of health and avoid epidemics among the assisted population.

The Agency's first family reuniting operation took place in December. The delegate of the Central Tracing Agency in Indonesia escorted to Lisbon one person from East Timor who rejoined his family in Portugal after having been separated from it for several years.

People's Republic of China

On 23 November 1979 a joint delegation of the League of Red Cross Societies and the ICRC left Geneva for the People's Republic of China to visit the camps, set up in 1978, for Indochina refugees (some 260,000 people), and to examine the scope for international assistance.

As a result the League and the ICRC launched an appeal in the middle of December to National Societies with a view to helping the Chinese Red Cross in its relief operations for the refugees. The National Society requires, essentially, hospital equipment to a value of 1,251,600 Swiss francs, and 2,921,00 Swiss francs in cash for the local purchase of relief supplies such as clothing, blankets, fishing gear, educational material, etc.

The two international institutions earnestly wish to give support to the Red Cross of the People's Republic of China. The country has undertaken to welcome 260,000 refugees from South-East Asia, 10,000 of whom are still in Indo-China.

The Chinese Government's operations for relief and resettlement include the construction of ten hospitals. These are now being built. Six of them will be equipped with assistance from the Office of the U.N. High Commissioner for Refugees and four will be equipped by the Chinese Red Cross with financial support from the International Red Cross.

The Chinese Red Cross is also studying proposals made by the ICRC Central Tracing Agency relating to the search for missing persons and the transmission of refugee mail.

Bangladesh/Pakistan

On 20 November the "Hizbul Bahr" left Chittagong for Pakistan with 1,541 passengers—245 families. This is the last sailing of Bihari families from Bangladesh to Pakistan. The ICRC gave technical assistance in these operations which began last June.

Viet Nam/Taiwan

Two repatriation operations to Taiwan took place on 22 and 29 November 1979, under the auspices of the ICRC delegation in Viet Nam: 307 persons of Chinese origin having until then lived in Viet Nam were thus able to join relatives in Taiwan.

Middle East**Israel and the occupied territories**

On several occasions in November and December the ICRC delegates in the Near East arranged the transfer of people between Israel and the occupied territories and neighbouring Arab countries.

Across the Allenby Bridge five Jordanians—two of them former detainees released by the Israeli authorities—went to Jordan and three civilians who had strayed into Jordan returned to Israel. In addition, the mortal remains of a person who died in Jordan were delivered to the Israeli authorities.

Two similar operations at Ras Nakura permitted a Palestinian released from detention in Israel to go to Lebanon and the repatriation of a corpse to Israel.

A family reuniting operation took place at Kuneitra, enabling a young woman from the Syrian Arab Republic to join her husband in the occupied territory of Golan.

Arab Republic of Egypt

At the request of the Egyptian authorities the ICRC delegates went in December to southern Sinai to assess the situation and humanitarian needs following the withdrawal of the Israeli forces. Accompanied by two Egyptian officials, the delegates had discussions with senior civil servants of the Ministries of Health, Education and Agriculture before proceeding to southern Sinai on 15 December. They stayed in the region until the 19th, visiting dispensaries and schools in the course of their survey mission.

For several years the ICRC has already channelled aid—mainly food—donated by the Swiss Confederation, the EEC and other donors to the people of Sinai, following survey missions carried out by its delegates based in Israel and the occupied territories.

The December 1979 mission in Sinai will enable the ICRC to urge donors to continue their assistance or start new development aid projects for the benefit of the population.

Some highlights of the First Session of the General Assembly of the League of Red Cross Societies ¹

Delegates from 101 of the 126 members of the international federation of National Red Cross, Red Crescent and Red Lion and Sun Societies met in Geneva from 4 to 6 October 1979 at the headquarters of the International Labour Office to make decisions that will guide the progress of the Red Cross movement until the Second Session of the General Assembly meeting in Manila in 1981.

The delegates faced a crowded agenda that included—to offer only some examples of its scope and variety—proposed amendments to the League Constitution and Rules of Procedure, the adoption of the Plan and Budget 1980-81, a working paper on refugee relief, the definitive admission of the Swaziland Red Cross Society to the League, reports of Advisory Committees, and also on meetings and seminars organised by National Societies.

Presided over by Justice J. A. Adefarasin of Nigeria, President of the League, the First General Assembly began with speeches by—in the order they spoke—Prof. Hans Haug, President of the Swiss Red Cross; Mr. Pierre Aubert, Federal Councillor of Switzerland, Head of the Federal Department of Foreign Affairs; Mr. S. K. Jain, Deputy Director General, International Labour Office; Dr. Thomas A. Lambo, Deputy Director General, World Health Organization; Mr. Dale de Haan, Deputy United Nations High Commissioner for Refugees; Mr. Faruk

¹ Text communicated by the League of Red Cross Societies.

N. Berkol, Deputy Secretary-General, United Nations Co-ordinator for Disaster Relief; Mr. Jacques Vernet, President of the Conseil d'Etat of the Republic and Canton of Geneva; Mr. Alexandre Hay, President of the International Committee of the Red Cross; Mr. Luigi Cottafavi, Deputy Secretary-General, Director General of the United Nations Office at Geneva; and Justice Adefarasin himself. Each speaker stressed the importance of the Red Cross movement and the need for it to cooperate with other organisations sharing its goals and philosophy.

In his remarks Mr. Pierre Aubert sounded a note that was to be heard again at the end of the meeting: "It is important. . . to unite all efforts and all resources to assure and organise the distribution of the aid which, for the distressed, is the most tangible manifestation of Geneva's institutions. On this point, how could I conceal the pain that we feel over the tragic situation of the peoples of Kampuchea, decimated by famine, war and disease? Humanitarian aid to victims of man-made or natural catastrophes must not be used to political ends; its essence is non-discriminatory. I therefore ask you to use all your influence on behalf of the peoples of Kampuchea, for it is urgent to send them help through a relief action of wide scope which, in the opinion of my Government, could only be multilateral and in conformity with the Principles of your movement."

Among the items considered in the course of the meeting was a working paper on refugees. This document, which the General Assembly endorsed, re-affirmed that, on the national level, refugee relief responsibility lay primarily with "the Government of the country concerned", while on the international level such responsibility fell on "the United Nations High Commissioner for Refugees (UNHCR)". The document endorsed the traditional Red Cross relief activity, acting in an essentially auxiliary capacity "during the initial emergency phase" and phasing out its activities when "other national or international organisations are in a position to continue the . . . programmes required". The document spelled out the distribution of the efforts and activities of the Red Cross in protection and assistance.

However, the working paper added a qualification based on the contention that flexibility must be maintained for maximum effectiveness and timeliness: in certain circumstances, Red Cross action may continue beyond the initial emergency phase, "primarily in protection, tracing and supplementary assistance to vulnerable groups. . . Assistance programmes may also be extended to the resettlement phase, especially in helping refugees to establish themselves in host countries."

The Assembly also acted unanimously to admit to membership the Swaziland Red Cross Society which originated in 1936 as a branch of the British Red Cross Society and continued to function as an autonomous Society after Swaziland achieved independence. In accordance with Article 6.3 of the League Constitution, the League's Executive Council admitted this Society provisionally until the first General Assembly, which, in accordance with Article 5.1 of the Rules of Procedure, admitted it definitely.

The delegates also considered the amendments to the League Constitution and Rules of Procedure proposed by the Jordan National Red Crescent Society. The Assembly voted in favour of the amendments which re-affirmed the equal status of all three emblems: the red cross, the red crescent and the red lion and sun.

In addition, the Assembly decided to set up a Commission to examine the question of fair geographical distribution and present to the Second Session of the General Assembly in 1981 its final report whose conclusions would be such that they could be put into force if accepted, at the elections to be held at that session.

The delegates furthermore approved a recommendation underscoring the urgent need for wide-scale primary health programmes to which National Societies can make contributions. The recommendation specifically invited League co-operation with WHO, UNICEF and other governmental and non-governmental organisations working in the primary health care field.

The National Societies assembled also heard and adopted reports of the advisory committees on health and social service, relief, nursing, youth and development programmes.

Among the many documents before the meeting was an introductory report on the protection of human beings in disaster situations. The Assembly took note of this document which dealt with background reasons for a League study project entitled "Natural Disaster Relief Actions and International Law". Citing the fact that "as far as a global relief policy is concerned, the legal protection of the victims of natural disasters is the principal factor which has not so far been brought under regulation in international instruments in a way that would be binding on Governments", the document described the study as aimed at giving "an answer to many suggestions, remarks and proposals concerning the protection of human beings in natural disaster situations". Among the aims of the study as spelled out in the report will be to "urge a review of those national laws that affect the status and rights" of natural disaster victims. The final phase of the study will be to elaborate suggested

modifications, new formulations, or codifications to “take into account not only existing laws but the social and economic factors which give rise to such laws. This synthesis of practice and theory and of realism and idealism could help generate the necessary interest in legal reforms as well as provide the basis for concrete action.”

And as almost its last official action, the General Assembly launched an appeal to the world for aid to the suffering peoples of Kampuchea, specifying clearly that such aid should be given with no discrimination of any kind. In the appeal, the Assembly asked support for present Kampuchea relief operations as well as future joint ICRC-UNICEF actions.

The Assembly was the first full gathering of League members since the 34th Session of the Board of Governors in October 1977 in Bucharest, Romania, at which a new League Constitution was adopted; the Assembly reflected numerous changes introduced by the new Constitution, among them a change in the name of the body from the Board of Governors to the General Assembly.

The Second Session of the General Assembly will meet in Manila in November 1981 as part of the Twenty-fourth International Red Cross Conference.



M I S C E L L A N E O U S

Resolution adopted by the General Assembly of the United Nations on the 1977 Protocols

During its thirty-fourth session, under agenda item 110, the 76th plenary meeting of the United Nations General Assembly, on 23 November 1979, adopted Resolution A/RES/34/51, reading as follows:

State of signatures and ratifications of the Protocols additional to the Geneva Conventions of 1949 concerning the respect for human rights in armed conflicts

The General Assembly,

Recalling its resolution 32/44 of 8 December 1977,

Having considered the report of the Secretary-General of the state of signatures and ratifications of the two Protocols additional to the Geneva Conventions of 1949 concerning the respect for human rights in armed conflicts,¹

Noting the fact that so far only a limited number of States have ratified or acceded to the two Protocols,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to secure the full observance of human rights in armed conflicts pending the earliest possible termination of such conflicts,

Mindful also of the need for continued improvement and further expansion of the body of humanitarian rules relating to armed conflict, of which the two Protocols form part,

¹ A/34/445.

Noting in this context the importance of the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the first meeting of which took place in September 1979 and the second meeting of which is scheduled to be held in 1980,

1. *Reiterates* its call contained in resolution 32/44 that all States consider without delay the matter of ratifying or acceding to the two Protocols additional to the Geneva Conventions of 1949 concerning the respect for human rights in armed conflicts;

2. *Requests* the Secretary-General to inform the General Assembly annually, preferably at the beginning of each calendar year, of the state of ratifications of and accessions to the two Protocols with a view to enabling the Assembly to take the matter up at a later stage if it deems it appropriate.

Because of lack of space, the *International Review of the Red Cross* would like to sell part of its stock of back numbers of the Review, in English, French, Spanish and German, at very reasonable prices. Complete sets are available.

Kindly send enquiries to *International Review of the Red Cross*, 17, avenue de la Paix, 1211 Geneva, Switzerland.

**EXTRACT FROM THE STATUTES OF
THE INTERNATIONAL COMMITTEE OF THE RED CROSS**

ADOPTED 21 JUNE 1973

ART. 1. — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.¹

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

ART. 4. — *Role*

1. The special role of the ICRC shall be:

- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — *Membership of the ICRC*

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic) — Afghan Red Crescent, Puli Artan, *Kabul*.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (Democratic and People's Republic) — Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dacca 2*.
- PEOPLE'S REPUBLIC OF BENIN — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, *Sofia 27*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto, Ontario, M4Y 1H6*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA (People's Republic) — Red Cross Society of China, 53 Kanmien Hutung, *Peking*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*
- CONGO, PEOPLE'S REPUBLIC OF THE — Croix-Rouge Congolaise, place de la Paix, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Ny Vestergade 17, DK-1741 *Copenhagen K*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado Postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El-Galaa Street, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, *San Salvador, C.A.*
- ETHIOPIA — Ethiopian Red Cross, Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75384 *Paris CEDEX 08*.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7a Calle, 1a y 2a Avenidas, *Comayagüela, D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca 31, *Budapest V*. Mail Add.: 1367 *Budapest 5*, Pf. 249.
- ICELAND — Icelandic Red Cross, Nóatúni 21, 105 *Reykjavik*.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Lion and Sun Society, Av. Villa, Carrefour Takhté Djamchid, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12 via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3 Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF — Red Cross Society of the Democratic People's Republic of Korea, *Pyeongyang*.
- KOREA, REPUBLIC OF — The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1350, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.

- LIBERIA** — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA** — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN** — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG** — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC** — Red Cross Society of the Malagasy Republic, rue Patrice Lumumba, *Antananarivo*.
- MALAWI** — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre 3*).
- MALAYSIA** — Malaysian Red Crescent Society, JKR 2358, Jalan Tun Ismail, *Kuala Lumpur 11-02*.
- MALI** — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA** — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS** — Mauritius Red Cross, Ste Thérèse Street, *Curepipe*.
- MEXICO** — Mexican Red Cross, Avenida Ejército Nacional n° 1032, *México 10 D.F.*
- MONACO** — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA** — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO** — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL** — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu*.
- NETHERLANDS** — Netherlands Red Cross, 27 Prinsessegracht, *The Hague*.
- NEW ZEALAND** — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington 1*. (P.O. Box 12-140, *Wellington North*.)
- NICARAGUA** — Nicaragua Red Cross, D.N. Apartado 3279, *Managua*.
- NIGER** — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA** — Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, *Lagos*.
- NORWAY** — Norwegian Red Cross, Parkveien 33b, *Oslo*. Mail Add.: *Postboks 7034 H-Oslo 3*.
- PAKISTAN** — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi*.
- PAPUA NEW GUINEA** — Red Cross of Papua New Guinea, P.O. Box 6545, *Boroko*.
- PANAMA** — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá*.
- PARAGUAY** — Paraguayan Red Cross, Brasil 216, *Asunción*.
- PERU** — Peruvian Red Cross, Jirón Chancay 881, *Lima*.
- PHILIPPINES** — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila D 2803*.
- POLAND** — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL** — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon 3*.
- ROMANIA** — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest*.
- SAN MARINO** — San Marino Red Cross, Palais gouvernemental, *San Marino*.
- SAUDI ARABIA** — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL** — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE** — Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE** — Singapore Red Cross Society, 15 Penang Lane, *Singapore 9*.
- SOMALIA (DEMOCRATIC REPUBLIC)** — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA** — South African Red Cross, Cor. Kruijs & Market Streets, P.O.B. 8726, *Johannesburg 2001*.
- SPAIN** — Spanish Red Cross, Eduardo Dato 16, *Madrid 10*.
- SRI LANKA (Dem. Soc. Rep. of)** — Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, *Colombo 7*.
- SUDAN** — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWAZILAND** — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN** — Swedish Red Cross, Fack, S-104 40 *Stockholm 14*.
- SWITZERLAND** — Swiss Red Cross, Rainmattstr. 10, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO** — Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO** — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA** — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY** — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA** — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala*.
- UNITED KINGDOM** — British Red Cross, 9 Grosvenor Crescent, *London, SW1X 7EJ*.
- UPPER VOLTA** — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.A.** — American National Red Cross, 17th and D Streets, N.W., *Washington, D.C. 20006*.
- U.S.S.R.** — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow 117036*.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, SOCIALIST REPUBLIC OF** — Red Cross of Viet Nam, 68 rue Bà-Trìên, *Hanoi*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- REPUBLIC OF ZAIRE** — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, *Lusaka*.