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CONTENTS

	Page
International Committee of the Red Cross	
Principal Items of Interest	84
General Income and Expenditure Account as on 31 December 1952	86
Balance Sheet of the ICRC as on 31 Decem- ber 1952	88
Chronicle	
The Origins of Humanitarian Law : The Red Cross. (<i>Henri Coursier</i>).	90

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRINCIPAL ITEMS OF INTEREST

Korea. — The International Committee of the Red Cross has noted with the keenest interest the agreement signed on April 11, 1953, at Pan Mun Jom for the repatriation of the seriously wounded and sick prisoners of war, in whose favour, moreover, the Third Geneva Convention of 1949 contains explicit provisions. It is particularly pleased that it has been possible to find for this distressing problem a humanitarian solution which truly conforms to the Red Cross ideal.

The International Committee's delegates in South Korea, MM. O. Lehner, N. Burckhardt, G. Hoffmann and J. Rubli, who regularly visit the prisoner of war camps in that country, have taken an active share in the repatriation operations. They have been present at the formation of the convoys in camps and hospitals and have accompanied them to Munsan, the last point in the hands of the United Nations forces, taking every care for the welfare of the prisoners of war being repatriated.

Greece. — During the first quarter of the year the Athens Delegation of the ICRC continued its relief action for persons deprived of their liberty, in particular by visiting numerous prisons, exilee' camps and penitentiaries, and by distributing over 11 tons of relief supplies. The Delegation has further extended the campaign for the detection of tuberculosis to the persons held at Averof Prison, Athens, and Chalkis Prison.

At the end of March the Committee's Delegate in Athens learned that on account of the very bad weather the inhabitants of six villages of Mount Pelion district were in an alarming state of distress and famine. In view of these persons' desperate

plight and the extreme urgency for their relief, the Delegation drew from ICRC stocks 3 tons of clothing and foodstuffs and raised the necessary funds for the purchase of 800 loaves of fresh bread. These relief supplies were loaded on a truck, kindly lent by the Greek Red Cross, which set out for the Mount Pelion district, accompanied by the head nurse of the Delegation. The Greek Government thanked the ICRC for its action and the great speed in carrying it out. Thanks to the Committee about 800 persons were able to hold out until the arrival of the relief supplied by the authorities.

Greek Children. — A seventh convoy taking displaced Greek children in Jugoslavia back to Greece arrived on April 27 in Salonika. The 40 children of the convoy were handed over to their parents in the presence of the special Delegate for the International Committee and the League of Red Cross Societies

Disabled. — The ICRC sent to its Delegate in Vietnam a dozen Braille watches intended for blind prisoners of war. It also shared in the purchase of an encephalographic apparatus for German wounded.

INTERNATIONAL COMMITTEE

EXPENDITURE GENERAL INCOME AND EXPENDITURE ACCOUNT

	To 1952 Sw. Fr.	To previous years Sw. Fr.	Total Sw. Fr.
OVERHEAD EXPENSES AT GENEVA HEADQUARTERS			
Salaries and wages	2,086,647.50	375.—	2,087,022.50
Social charges (insurance, family allowances, etc.)	527,091.22	324.50	527,415.72
Postage, telegrams, telephone	77,303.46	269.05	77,572.51
Equipment and general supplies	160,854.35	6,065.38	166,919.73
Upkeep of cars and lorries.	48,576.53	—	48,576.53
Reception of visitors and travelling expenses in Switzerland	42,251.20	5,089.50	47,340.70
Sundry Expenditure (allowances for various surveys, audits, revisions, consultations, insurance premiums, etc.) . .	89,520.90	379.75	89,900.65
SPECIAL EXPENSES			
Publications, information	197,113.44	1,666.50	198,779.94
Allowance for expenses, Members of the Presidency Council	54,561.—	—	54,561.—
Red Cross Conferences and Meetings	28,332.10	105.—	28,437.10
Missions from Geneva and study courses for foreign visitors	92,137.74	—	92,137.74
MISSIONS ABROAD			
Salaries and insurance of delegates	236,659.45	—	236,659.45
Travelling and maintenance expenses	202,011.08	—	202,011.08
Overhead expenses	271,801.26	—	271,801.26
<i>Total Expenses.</i>	<u>4,114,861.23</u>	<u>14,274.68</u>	<u>4,129,135.91</u>
Transfer to the Reserve for general risks of surplus receipts in 1952 concerning previous years.	—	356,568.84	356,568.84
Deficit for 1951, carried forward (written off at the end of 1952)	—	3,129,097.31	3,129,097.31
Grand total.	<u>4,114,861.23</u>	<u>3,499,940.83</u>	<u>7,614,802.06</u>

OF THE RED CROSS

AS ON 31 DECEMBER 1952

RECEIPTS

CONTRIBUTIONS AND GIFTS TOWARDS FINANCING OF THE GENERAL WORK	To 1952 Sw. Fr.	To previous years Sw. Fr.	Total Sw. Fr.
CONTRIBUTIONS BY NATIONAL RED CROSS SOCIETIES	297,990.50	21,700.12	319,690.62
Contributions by Governments	966,404.52	235,882.45	1,202,286.97
Sundry gifts	68,381.56	757.70	69,139.26
 INCOME FROM INVESTMENTS			
Interest from Public Securities and Banks	66,915.55	19,787.80	86,703.35
ICRC Foundation	27,903.05	—	27,903.05
 SUMS RECOVERED AND SUNDRY RECEIPTS			
Sums recovered	53,973.42	75,810.—	129,783.42
Sundry receipts	54,044.09	16,905.45	70,949.54
<i>Total Receipts</i>	<u>1,535,612.69</u>	<u>370,843.52</u>	<u>1,906,456.21</u>
Withdrawals from Guarantee Fund and Reserve for general risks for :			
Writing off the deficit for 1951		3,129,097.31	} 5,708,345.85
Writing off the deficit for 1952	2,579,248.54		
 Grand Total	 <u>4,114,861.23</u>	 <u>3,499,940.83</u>	 <u>7,614,802.06</u>

We certify that the General Income and Expenditure Account of the International Committee of the Red Cross as shown above has been drawn up on the basis of the Annual Accounts for 1952, which have been audited by us and found true.

Geneva, March 4, 1953.

SOCIÉTÉ FIDUCIAIRE ROMANDE
OFOR S.A.

INTERNATIONAL COMMITTEE

BALANCE SHEET

ASSETS

AVAILABLE AND REALISABLE	Sw. Fr.	Sw. Fr.
Cash in hand	25,547.61	
Postal Cheque Account	41,496.13	
Balance at Swiss Banks	1,492,984.31	
Foreign currency holdings	17,519.18	
Public Securities and other deposits at the Swiss National Bank	<u>11,534,224.35</u>	13,111,771.58
EARMARKED		
Advances to ICRC Delegations and Delegates abroad	336,225.30	
National Red Cross Societies, Governments and official organisations	777,404.29	
Sundry debtors, advances and repayable costs	211,888.37	
Temporary assets (advances costs)	157,194.93	
Pharmaceutical stock for relief purposes	<u>47,984.33</u>	1,530,607.22
RESERVE STOCKS		242,538.50
OTHER ASSETS (nominal)		
Capital shares in "Foundation for the Organisation of Red Cross Transports"	1.—	
Furniture and office equipment	<u>1.—</u>	2.—
MEMO-ACCOUNT		
Allocation to ICRC Personnel Provident Fund (redeemable in 19 years)		<u>1,256,766.24</u>
Grand total		<u>16,141,685.54</u>
Debtors for security		<u>400,000.—</u>

OF THE RED CROSS

OF THE ICRC AS ON 31 DECEMBER 1952

LIABILITIES

COMMITMENTS	Sw. Fr.	Sw. Fr.
General account for relief work	1,158,082.45	
Collection in Switzerland (temporary figure)	846,610.39	
ICRC Delegations and Delegates abroad	18,117.35	
National Red Cross Societies, Governments and official organisations.	173,271.79	
Sundry creditors and temporary liabilities :	640,242.29	
Swiss Confederation Loan	<u>3,000,000.—</u>	5,836,324.27
RESERVES AND PROVISIONS		
Reserve for action in case of conflict	5,000,000.—	
Guarantee Fund	3,000,000.—	
Reserve for general risks	806,056.53	
Provision for amortization of reserve stocks	<u>242,538.50</u>	9,048,595.03
MEMO-ACCOUNT		
Allocations to ICRC Personnel Provident Fund (to be refunded to the Reserve for general risks)		1,256,766.24
	<u>Grand total</u>	<u>16,141,685.54</u>
Guarantee " Foundation for the Organisation of Red Cross Transports "		<u>400,000.—</u>

On the basis of the vouchers, books and supporting documents placed at our disposal, we have found the entries to be in conformity with the Balance Sheet on December 31, 1952 as shown above, which is an accurate record of the financial situation of the International Committee of the Red Cross on the date above-mentioned. The existence of the asset figures recorded has been verified.

Geneva, March 4, 1953.

SOCIÉTÉ FIDUCIAIRE ROMANDE
OFOR S.A.

CHRONICLE

THE ORIGINS OF HUMANITARIAN LAW¹

IV

THE RED CROSS

Characteristics of the Geneva Convention.

The renowned French jurist, Louis Renault, in his report to the Conference for the revision of the Geneva Convention in 1906² said: "That which gives merit and originality to the Geneva Convention is that it set itself to adjust in a general and definitive manner a situation which had up till then only given rise to occasional measures."

As we have seen, numerous "cartels" or special arrangements had been made between the heads of opposing armies, especially in the 18th Century, on behalf of the wounded and sick of either side, granting them immunities similar to those provided by the Geneva Convention. But these agreements were of a temporary nature only. When their time-limit came to an end, and in any case on the close of hostilities, they ceased to be effective. Moreover, they only involved the Contracting Parties, and that on a strictly reciprocal basis. There was no obligation to renew the agreements in the event of a fresh conflict between them. The Geneva Convention on the contrary laid down a general principle, valid for all men and at all times, not only as a moral postulate but as an actual law. For this reason it has become a part of positive international law,

¹ See *Supplement*, April 1953, page 74.

² *Actes de la Conférence de Genève 1906*, page 243.

the ratification of Powers or their adhesion having for effect its incorporation in the national legislation of the countries concerned.

The negotiators in Geneva had with great discernment left the Convention open for the adhesion of the non-signatory Powers ; and before the year was out Great Britain had already adhered to it.

Some Catholic States such as Austria and Bavaria, who had held aloof in 1864 from a Conference held in the metropolis of Protestantism, soon realised the interest of the new legislation. The Austro-Prussian War drew attention to the need for the extension of Red Cross action, and these two Powers adhered to the Convention in 1866. The adhesion of the Holy See in 1868 finally removed all prejudice there might be in Catholic circles in regard to the Geneva instrument ¹.

Turkey had already adhered to the Geneva Convention in 1865. That was doubtless a corollary to the recent admission of the Sublime Porte to the Concert of Europe ² ; but the action also had a general significance. Moynier was fully entitled to refer to it with gratification a few years later when proposing a toast on the occasion of the twenty-fifth anniversary of the Red Cross. " Turkey's adhesion ", he said, " to the Geneva Convention means that the Moslem world has for the first time associated itself with an initiative of the Christian community". When it is borne in mind that an endless struggle had been carried on for centuries between the Crescent and the Cross, that in the law of both camps the struggle had in practice assumed the aspect of a Holy War, and that until the early nineteenth century certain Christian Powers had no scruple in allowing Moslem captives to be sold, while the Barbary pirates had made the capture and ransom of Christian slaves into a

¹ A letter addressed by Henry Dunant to Mgr Egger, Catholic Bishop of St. Gallen on 4 April 1896, and published in the Fribourg newspaper *La Liberté* of 18 February 1952, would, if it were necessary, dissipate any supposition as to the founder of the Red Cross having been animated by ulterior motives on grounds of Protestantism.

² Article 7 of the Treaty of 30 March 1856, drawn up by the Congress of Paris, stated that the Sublime Porte was admitted to participate in the advantages of the common law and Concert of Europe.

veritable industry, one can measure the progress thus reached in the history of civilisation. Islam had not however lost all memory of the Crusades. The Relief Society for the Wounded, which was constituted in Turkey in 1868, adopted the Red Crescent as its emblem ; and this led indirectly to the choice of the Red Lion and Sun emblem by Iran, when that country also adhered to the Geneva Convention in 1874¹. While admitting the highly estimable sentiments which inspired these exceptions to the unity of the emblem, one may nevertheless regret their tendency to perpetuate confusion which is detrimental to the international value of the Red Cross emblem. The latter has neither in fact nor in law any religious significance whatever. True believers under the Cross, the Crescent or the Lion and Sun have a perfect right to give the emblems a meaning consistent with their faith, and thereby to further strengthen their devotion to the cause of universal charity ; but non-believers are equally entitled to reject any semblance of adhesion to particular theological tenets.

In fact, as stated by Paul Des Gouttes², " The Red Cross is neither Protestant nor Catholic. It is above all religious distinctions. It is human, and that is all ! " Des Gouttes adds that during the revision of the Geneva Convention in 1906 the question was in fact settled by a vote of the Fourth Commission asserting the non-religious nature of the emblem³.

The Red Cross emblem is the symbol of non-violence, the symbol of peace, of peace within war, the irremovable stamp of human dignity.

Though set up by Christians, there was no reason why it should not be admitted by Moslems : for, as once stated by the Sultan of Morocco⁴, " Islam is, and has always been, opposed to ill-feeling and violence. It exhorts to good relations and recommends a conciliatory spirit. It is a religion of high morality, of civility and of tolerance ". It is a fact that, when

¹ As Moslems, but of a different sect to the Turks (Shiahs, not Sunnites) the Iranians had thus wished to show their particularism.

² *Revue internationale de la Croix-Rouge*, October 1923, page 1004.

³ *Compte rendu de la Conférence, 1906*, page 162.

⁴ Proclamation of H. M. Sidi Mohamed, February 1951.

the Indian continent became independent and divided into two States, India and Pakistan, the latter, although of the Moslem faith, adopted the Red Cross as the emblem of its national Relief Society. As for India, imbued for many thousand years with the precepts of the laws of Manu, according to which " a warrior must not slay an enemy who surrenders, a prisoner of war, an enemy asleep or unarmed, a peaceful non-combatant or an enemy at grips with another adversary " ¹, it also saw no difficulty in adopting an emblem unrelated to its religious traditions.

Finding in their principles of honour and wisdom similar reasons for adhering to the Red Cross movement, Japan in 1886, Siam in 1895 and China in 1904 became parties to the Geneva Convention, and also adopted the Red Cross emblem for their national Relief Societies.

Russia had adhered to the Geneva Convention in 1867. In its vast territory the population was so varied as to comprise both Red Cross and Red Crescent Societies. Today it is the " Alliance of Red Cross and Red Crescent Societies of the USSR " which groups Red Cross activities in this part of the world.

The United States were represented by a diplomat at the Geneva Conference of 1864. It may be said that they were forerunners in the matter of humanitarian law. The codification of the laws of war at the instigation of Lincoln for the use of their armies in 1863 was a humanitarian act deserving of the highest eulogy. The American codification was to prefigure to a considerable extent similar work in international legislation. Nevertheless the Americans hesitated for some years before ratifying the Geneva Convention. They finally adhered in 1882, thus making their formal entry into the Red Cross world.

The various countries of Latin America adhered to the Geneva Convention at different dates between 1874 and 1907.

Thus by the successive adhesion of all Powers the universality of this Convention became a reality.

¹ *Loi des Prophètes hindous*, VII, 91, 92, quoted by BLUNTSCHLI, *Beuterecht*, page 14.

The Red Cross is, by virtue of its non-religious and universal nature, animated by an international spirit. In conformity with Article 6 (already cited) of the Geneva Convention, Relief Societies for the Wounded are in duty bound to assist the enemy as well as the compatriot or friend. This principle may at time have been lost to view in respect to relief for prisoners of war, Red Cross Societies, influenced by donors, having a tendency to care first of all (if not exclusively) for their own nationals ; but any such tendency is a departure from the original principles. A reminder to that effect was placed on record by the Preliminary Conference of National Red Cross Societies which met in Geneva in 1946, and by the XVIIth International Red Cross Conference at Stockholm, 1948¹. The International Committee of the Red Cross, which, like its predecessor the original Geneva Committee, was composed of Swiss citizens only, was concerned to show by the choice of its title the international character of its activities. In view of the neutrality of Switzerland, it is doubtless easier for it than for National Societies to play an international rôle ; but it is none the less anxious at all times to have their assistance in behalf of all war victims. It is by safeguarding this international spirit that the Red Cross can pursue the humanitarian action which its founders had in mind. Such was Dunant's idea as conceived on the battlefield ; and one may cite in that connection a saying as generous as the " tutti fratelli " of the Lombardy countrywomen. Another Italian woman, who had lost her only son in the Crimean war, was also one of those who tended the wounded of Solferino. Replying to those who remarked upon her courageous action, she said simply : " Sono madre " (I am a mother).

Noble words, vibrant with human feeling, and expressing the essential character of the Red Cross. The word " human " is more exact than " humanitarian ". The latter term has its place in international law, and should not be discarded ; but its use may sometimes evoke a certain patriarchal conception of

¹ Recommendation of the Preliminary Conference II, 1 adopted 3 August 1946, and Resolutions XXV and XXVI of the Stockholm Conference, 1948, *Report*, page 97.

life which is unacceptable to modern times¹. "Human" signifies for us today something without which life would no longer be consistent with men's dignity.

We have enlarged upon the subject of the first Geneva Convention because, as the first text of positive humanitarian law, it governs to some extent the subsequent evolution of that law as embodied in:

(a) the law of the Red Cross proper, as constituted by the first Geneva Convention (revised in 1906), and the two Geneva Conventions of 27 July 1929, and finally the four Geneva Conventions of 12 August 1949,

(b) the international codification of the laws of war and the texts relative to the limitation of armaments,

(c) the work of the League of Nations, and that of the United Nations Organization concerning the rights of man.

2. THE LAW OF THE RED CROSS

In spite of its importance the Geneva Convention was no more than a starting point.

The experience of successive wars was to show at once how beneficial it was and at the same time how incomplete. No doubt the wounded and sick of land forces in the field were protected; but their protection still had its gaps, and there were all the other war victims who did not come under any international convention—the wounded and sick of armed forces at sea, the prisoners of war, and lastly the civilians who, with the increasing frequency of armed conflicts and the progress in the development of armaments were more and more exposed to the dangers of war.

¹ For this distinction between "human" and "humanitarian" see Max HUBER, *Principes, tâches et problèmes de la Croix-Rouge dans le droit des gens*, Geneva, 1944, page 49.

The progressive introduction into international law of rules for the protection of these various categories of victims today constitutes a branch of humanitarian law which may be called the "law of the Red Cross". Its most recent codification is provided by the four Geneva Conventions of 12 August 1949—the First Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the field, the Second Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Third Convention relative to the Treatment of Prisoners of War, and the Fourth Convention for the Protection of Civilian Persons in Time of War.

Although this international legislation was the work of Governments, the various Red Cross bodies by their work, their experience and their prestige (both with public opinion and with the authorities) gave them considerable help in their task.

The International Red Cross.

We have seen that the "Committee of Five", the initial cell of the Red Cross, adopted the title of "International Committee" when it called the first Conference in October 1863.

Such was the origin of the *International Committee of the Red Cross* (ICRC) which still has its headquarters in Geneva.

It continued to play its part as initiator of this humanitarian work by helping to set up Relief Societies, the future National Red Cross (Red Crescent, Red Lion and Sun) Societies, according to the definitive term adopted in 1882. Dunant himself founded in 1864 the Société de Secours aux blessés militaires in Paris, which became the French Red Cross.

The International Committee took the initiative of convening delegates of National Societies, and also government experts, in order to study in the light of experience the expediency of proposing new international rules. The first of these meetings was held at Geneva in 1863, and the second sat at the same time

as the Geneva Diplomatic Conference in 1864. This was the origin of the *International Red Cross Conferences*, the periodical meetings, held on the invitation of the National Society of the country chosen for the meeting, which constitute the deliberative assembly of the Red Cross world. The last Conference but one, held at Stockholm in 1948, approved the drafts prepared by the ICRC for the revision of the Geneva Conventions and the drawing up of the new Convention relative to the protection of civilians ; and it was these texts for which the Swiss Government, acting in its capacity as guardian of the Geneva Conventions, secured approval as the basis of the discussions of the Geneva Diplomatic Conference which established the four Conventions.

The founders of the Red Cross had conceived the Relief Societies as operative only in war-time. Their work in peacetime was to consist merely in preparation for their action in the event of a conflict. But towards the end of the century the valuable work done by the Russian Red Cross in mitigating the consequences of public disasters such as the famine in the Province of Samara, the bubonic plague in Astrakhan, and the diphtheria in Poltava, opened up new prospects. After the first World War, in 1919, the Chairman of the War Committee of the American Red Cross, Henry P. Davison, suggested that the Red Cross Societies of the United States, France, Great Britain, Italy and Japan should form a *League of Red Cross Societies* to do work in connection mainly with matters concerning public health. The idea was carried out, and gradually all other Red Cross Societies adhered to the League.

At The Hague in 1928 the XIIIth International Red Cross Conference brought about the amalgamation of the International Committee, the League and the National Societies by adopting the *International Red Cross Statutes*. These Statutes included a provision for a *Standing Commission of the International Red Cross Conference*, which in the intervals between conferences acts as a connecting agent for co-ordinating the work of the several International Red Cross institutions.

Formation of the law of the Red Cross.

In 1868 a first draft for the revision of the 1864 Convention extended to the wounded and sick of armed forces at sea the system provided under the Convention for the land forces. This text was not ratified and remained inoperative; but in 1899 it was again put forward on the occasion of the First Peace Conference, and became the Hague Convention of 29 July 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention.

The Geneva Convention was revised in 1906, in order to take into particular account the experience of the Russo-Japanese War of 1904-5. In consequence the Hague Convention of 29 July 1899 was modified by the Second Peace Conference. It became the Tenth Hague Convention of 18 October 1907 for the adaptation to maritime warfare of the principles of the Geneva Convention of 6 July 1906¹.

During the first World War the ICRC, acting on the basis of the principles set forth by the Regulations concerning the laws and customs of war on land (annexed to the Fourth Hague Convention of 18 October 1907), played a useful, though onerous, part by organising the Prisoners of War Agency. Through this Agency prisoners were able to correspond with their families and to receive relief. In order to consolidate the benefits of the experience thus acquired, the Geneva Convention was revised once more, and a new Convention relative to prisoners of war was adopted. These were the two Geneva Conventions of 27 July 1929. But, whereas the Convention relative to the wounded and sick had been ratified by all the great Powers, that concerning prisoners of war had not on the eve of the Second World War been adopted either by the USSR or by Japan; and the fact that this was so worsened appreciably the position of the prisoners of war concerned.

¹ The two Conventions above-mentioned, which circumstances caused to be established at The Hague, were (with the consent of the Netherlands Government) given their place in the law of Geneva, when the Geneva Conventions were last revised, and became the Second Geneva Convention of 12 August 1949.

During the discussions of the Geneva Conference of 1929, the Italian Senator Ciralo¹ raised a question, which had already arisen at the Second Peace Conference at the Hague in 1907, in regard to the protection of non-combatant civilians. "We are", he said, "confronted with a problem which has not been included in the draft projects submitted to us—I mean, the problem of the fate of civilians. The time has come when the civilian population may be equally, if not more, exposed to danger than the armed forces. The blows of war may strike beyond the frontiers defended by the armed forces, and fall within the interior of the country attacked upon a harmless population which will thus have to support, unarmed and unaided, the consequences of the conflict between the belligerents"².

But these remarks remained without effect until twenty years later, when a second World War of far more hideous consequences for civilians than the first had made mankind again conscious of the problem. The Fourth Geneva Convention of 12 August 1949 relative to the protection of civilian persons applies to this vast category of war victims. As a result, new and considerable tasks are incumbent upon the various Red Cross agencies.

(To be continued)

Henri Coursier
Member of the Legal Service
of the International Committee
of the Red Cross

¹ Placed by the League of Nations at the head of the International Relief Union set up by the Convention of 12 July 1927.

² *Actes de la Conférence de 1929*, page 60.