



**REVUE
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SUPPLEMENT

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RED CROSS PRINCIPLES¹

PREFACE

It gives me great pleasure to be able to fall in with M. Jean Pictet's request, and write these few lines of preface to his work on Red Cross principles.

From 1939 to 1946 M. Pictet worked with me in direct day to day collaboration on the general and legal questions for which the Presidency of the International Committee of the Red Cross was responsible. He thus had to deal, throughout the Second World War, with a very great number of practical problems in the light of the principles by which the Red Cross must be guided. In writing this book he has been able to call on his vast knowledge and the varied and detailed experience of eighteen years. Since 1946, he has been Director of one of the two main Divisions of the International Committee—that of External Affairs, which is concerned in particular with legal questions. With the assistance of an excellent staff, trained by or at the same time as him, he played an essential part in the preliminary work which made it possible to conclude the revised and new Geneva Conventions in 1949. He is at present making an important contribution to the drafting of the commentaries on these Conventions.

¹ The *Revue internationale* is starting in this issue the publication—which will be continued in the following numbers—of M. Jean S. Pictet's study of the principles which inspire the action of the Red Cross, and which should serve for its guidance. We have a particular pleasure in giving our readers the first publication of the work, including the preface by M. Max Huber. (Ed.)

Until the First World War, during which Red Cross activities developed to such an extent, there was still comparatively little literature concerning the institution, either of a doctrinal, historical or philosophical nature, or dealing with the practical side. Today there is a considerable amount, but it is mainly concerned with the problems of individual Red Cross Societies, or where a publication is of a general character, it is in most cases devoted to a particular aspect of the movement or owes its existence to some special circumstance. This is true of the majority of my own writings; even those dealing with the Red Cross in general are far from constituting a "whole", a systematic synthesis of the principles governing Red Cross organisation and law. This left a gap which was felt.

M. Pictet is, in my opinion, particularly qualified to fill it, not only on account of his knowledge and exceptional experience, which we have mentioned above, but also because of his clarity of thought, which shows itself in the clearness of his style and the lucidity, concision and elegance of the language in which he presents abstract and difficult subjects. His legal training is allied to the qualities of a philosopher and moralist.

The leaders of the Red Cross movement, and those who wish to write on Red Cross matters, must possess an intelligence which comes near to wisdom; for a very delicate touch is required to perceive the subtleties and limitations in this sphere. But all Red Cross personnel, whatever their work or the posts they occupy, must have hearts, and be imbued with the Red Cross spirit. It is the presence of all these qualities of the mind and heart which give the present work its value and charm.

Among legal works, I have always given a very high place to L'Esprit du droit romain by Rodolphe de Jhering, which has now become a classic. I should like to regard these Principles as something similar, so far as the Red Cross is concerned. I therefore recommend all Red Cross men and women not only to read this work, but to meditate upon it. They will then have no difficulty in discovering the road leading from the loftiest of principles, described in masterly fashion, to the more commonplace practical problems, which make up the daily life of the Red Cross,

as well as to the new problems which the world, in a constant state of flux, may set us in the future.

On the 125th anniversary of Henry Dunant's birth I gave the Swiss Red Cross an address on Red Cross ideals, which I regard as my last message to the Red Cross family. I am happy at the thought that what I was only able to say piecemeal has now been said better, more completely and more precisely in M. Jean Pictet's magnificent survey.

MAX HUBER

Honorary President of the ICRC

FOREWORD

The Red Cross is indebted to Professor Max Huber, President of the International Committee since 1928 and today its honorary President, for having laid its spiritual foundations, and its respectful gratitude for this can never be too great. However, as he himself has pointed out, the passages dealing with doctrine are, through force of circumstances, distributed among his various works, the majority of which were written as and when permitted by the events of an exceptionally disturbed period, to deal with specific problems which arose. The principles of the Red Cross, considered as a whole, have never therefore been the subject of a systematic treatise. We felt that that was sufficient justification for the present survey.

We are convinced today that the future of the Red Cross depends on its universality, on its principles being accepted by the different nations and, within the nations, by individuals of every shade of opinion. The whole world can accept both the ideal and work of the Red Cross, because they are based on motives which all men have in common and correspond to the acknowledged interests of the nations. Everyone, following his own line of reasoning, can accept them, whatever the civilization to which he belongs. Our purpose is also, therefore, to make them understood.

The modern age has placed us before an astonishing confrontation of ideas as between the continents, and this intensive mixing, eliminating what is valueless, has left intact the common heritage of mankind. We have accordingly tried to base ourselves only on the natural aspirations of the individual, observing in our survey itself those same principles of neutrality and impartiality which it attempts to define. We have avoided any doctrine which does not rest on proved facts and which is not accepted by everyone. In a work whose aim is to lay down rules for charitable action rather than seek out the individual motives which incite it, there is no need to support

our theories with metaphysical data. The very occasional references of this latter nature are thus only given by way of example and in the form of notes. Lastly, therefore, in dealing with a charitable institution of an essentially practical nature, we wished to remain in a world of every day realities, avoiding preconceived opinions, compliance with accepted usages, and sentimentality.

It seemed to us that the whole doctrine of the Red Cross, as it results from a tradition which is already old, could be reduced to a few very simple notions, closely bound up with one another. We have tried to define each of these principles in a few lines, following up this definition with comments whose object is to bring out the mutual relationship and relative importance of the principles and indicate, as exactly as possible, the meaning of the terms used.

But it is quite obvious that the picture thus given will remain theoretical in certain of its aspects. Any classification must be arbitrary to some extent, and the Red Cross principles cannot be an exception to that rule ; for they have to be applied to a living world where there is no such thing as perfection. It is therefore partly to suit the purposes of our study, and for the sake of clearness, that we have defined them so strictly and in so few words. They should thus be regarded at times as a model at which to aim rather than as an accurate portrayal of activities which are of an extremely varied nature and often the result of initiative and improvisation.

We also hope that in describing the doctrine of the Red Cross as it exists today, we have thrown fresh light on certain points. Thus, among the rules which we are now presenting for general consideration, a clearer distinction should, we feel, be made between those which result from the actual aims of the Red Cross and those which merely represent means of execution. We have accordingly classified them as fundamental principles and organic principles. In the same way we consider that a mistake has been made in trying until now to express the equalitarianism which the Red Cross professes towards men simply by the term impartiality, which is really only a moral quality displayed by the agent called upon to intervene. We

thought, moreover, that attention should be drawn to the principle—of cardinal importance but so far almost entirely overlooked—according to which the relief given should be proportional to the needs of the victims.

The present work is not being written for purposes of publicity. Nor is its object to depict either the work of the Red Cross or its organization ; nor, again, is it a commentary on the Geneva Conventions. The reader is referred to other publications for information on these subjects ¹. And we did not feel capable of bringing out all the grandeur of charitable work and the high ideals by which it is animated. But we hope that these few pages will have contributed to a better understanding of an institution whose name is so familiar, and sometimes so dear, to us all and which nevertheless remains to such a large extent unknown.

In a work of this nature we can but depend on our illustrious predecessors, and call upon the experience and learning of some of their number. May we therefore express here our profound gratitude to Professor Max Huber whose writings, an unfailing source on which to draw, have certainly supplied us with our best material. We should also like to thank all those, near and far, who have helped us with their advice, especially M. Maurice Bourquin, Professor of international public law, and M. Maurice Chalumeau, whose researches and opinions have been of great assistance.

J. P.

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¹ By the same author, see especially : *Le droit international et l'activité du CICR en temps de guerre* — Revue de la Société suisse de droit international, Berne, 1943 ; *La Croix-Rouge et les Conventions de Genève* — Recueil des cours de l'Académie de droit international de La Haye, 1950 ; *The New Geneva Conventions for the Protection of War Victims* — American Journal of International Law, 1951 ; *Commentary on the First Geneva Convention of 1949* — Geneva, 1952.

INTRODUCTION

The man of today, who very often places only a relative value on ideas received and intends to subject any theses suggested to him to very close examination, may be tempted not to accord established principles the same authority as formerly. This fact does not, it is true, diminish the important place which doctrine occupies in our institution, nor the value to the latter of being able to refer, under all circumstances, to a coherent body of permanent rules ; but it nevertheless makes us pay heed to certain requirements which the principles must satisfy in order to be understood by everyone without being called in question. They must be fully conformable to human nature, they must be directly based on simple data, express only what is essential and follow logically from one another ; they must, moreover, be expressed with great clarity. Granted all this, they will doubtless meet with universal approval.

It is particularly important for the Red Cross to possess a well defined and firmly established doctrine. The institution is born of a high ideal and is inseparable from it ; for that ideal is the source from which it constantly draws fresh life. But the Red Cross is made up above all of practical actions, of a very varied nature and often improvised : there is therefore a great danger that, in the haste of charitable action and in spite of the purity of one's intentions, one may deviate from the guiding principles, and unity of thought may be found to be lacking, the more so as the institution takes root in all soils throughout the world and is thus nourished on the most varied conceptions.

From the beginning the International Committee of the Red Cross has been implicitly entrusted with the task of preserving the integrity of the doctrine—a signal honour and a heavy responsibility. This mission was later inscribed in the constitutive texts. Thus in 1921 the International Red Cross Conference recognized “ the Committee as the guardian and

propagator of the fundamental, moral and legal principles of the organization" and appointed it "to watch over their dissemination and application throughout the world"; and in 1928, the Statutes of the International Red Cross, the universal charter of the movement, described the Geneva Committee as "the guardian of the principles of the Red Cross". A similar reference figures in the latest version of the Statutes, revised in 1952.

Strange as this may appear, it was only after the First World War that the first attempt was made to formulate the doctrine of the Red Cross. Anyone who had the curiosity to examine the old files, would certainly find that they contain moral declarations showing great nobility of thought and the rudiments of certain organic principles relating to the institution and the way it works¹, but he would search in vain, starting from *Souvenir de Solferino*, Henry Dunant's memorable work, for anything resembling really fundamental precepts. He will not be really astonished at this when he also notices that it was only in 1915, after fifty-two years of fruitful activity, that the International Committee of the Red Cross thought of providing itself with Statutes.

To grasp this phenomenon, which was incidentally a general one, it is necessary to realize the mental habits of the epoch. Men were doubtless no better then than they are today; but they had a fairly clear sense of right and wrong, or at any rate what they judged to be right and wrong. Consequently, certain standards were automatically imposed on man's conscience without any question of discussion and without any need being felt to define them. And tradition sometimes had more force than written law.

Although lacking an expressed doctrine, the Red Cross was not entirely bereft of any guiding principle. In the first place there was Henry Dunant's idea, born of the gesture he made on the battlefield of Solferino when he cared for the wounded, without—and this was something new—any distinction of nationality. The idea of the Red Cross came into his mind

¹ We shall refer in this connection, in the second part of our survey, to the writings of Gustave Moynier.

later when he had meditated upon the value of the above gesture and upon its inadequacy. Surrounding this sparkling crystal there also existed, like a vaguely outlined halo, formed little by little by initiatives dictated by circumstances, a sort of compromise between the impulses of the heart and the realities of war. The Red Cross with its many aspects was built up empirically. Whereas so many institutions, starting from abstract theories, try to adapt beings and things to themselves—like a new Procrustean bed—the Red Cross was, on the contrary, able to model itself on human nature from the outset, and has hammered out its tenets in the rough school of life.

Entrusted, as we have said, with the maintenance of the principles of the movement, the International Committee carried out its task with deeds rather than words. Instead of trying to work out general precepts, it was content to lay down rules concerning the action to be taken in each particular case. If the bark has been able to steer a true and steady course, avoiding dangerous rocks and shoals, that is because the men at the helm were highly disinterested and imbued with an ideal. Furthermore, the intuitive solutions they adopted bore the imprint of latent principles which were already sensed; those solutions were thus linked by an invisible thread, tenuous, it is true, but precious nevertheless.

The convulsions of the First World War opened a new era in the history of human relations. This epoch, in which we are still living today, was marked at the start by a veritable reversal of values and great confusion of thought. Then it was that the nations began speaking different languages, no longer giving words the same sense. Moreover, Red Cross activities had developed considerably during the war, and when it ended, the movement turned its attention to peacetime work, extending its field of action to this vast and fine domain; the League of Red Cross Societies was created for the purpose.

All this made it vitally necessary for the Red Cross to have a solid and precise doctrinal basis. It had to know clearly henceforward what it was, where it was going and what it believed. In 1921, the International Committee introduced a kind of summary of its fundamental principles, which we shall

discuss later, into its Statutes. But it is above all to Professor Max Huber, President of the International Committee for nearly twenty years, that the Red Cross owes its doctrine. Conscious of the importance of such a work, he applied himself, in spite of the many practical tasks with which he had to cope, and even at the height of the war, to making the ideals of the institution better understood, to defining its bases and limits, and to providing it with rules on which to act. A thinker and at the same time a man with a heart, he carried out this task with a loftiness of vision, a power of reflection and a sureness of judgment beyond all comparison.

* * *

The doctrine of the Red Cross is permanent and unchanging, at all events as long as the conditions which enabled it to come into being continue to prevail in the world, as long as the foundations of our social life are not profoundly modified. It is the expression of a long-term wisdom, indifferent to the ebb and flow of popular opinion, of the ideologies of the moment. It outlives those who created it, and this lasting character is a sign of its superiority over everything that happens here below. If one did not know that it was a product of the human mind and resulted from the nature of things as they are, one would be tempted to think that it existed, in its ideal perfection, independently of the more or less blurred image one may have of it, of the picture—always fairly fragmentary—one gives of it.

What are the sources of this doctrine? Although the Geneva Committee has, as we have said, been its appointed guardian from the start, there was nothing until recently to indicate who created it.

It was therefore considered to have been derived in a sufficiently explicit fashion from the official texts—Geneva Conventions, statutes, resolutions of the international Red Cross assemblies¹—and also from tradition. For although elements of doctrine appear at fairly irregular intervals in the basic

¹ These various texts will be found in the *Red Cross Handbook*, Geneva, 1953.

documents, the works of charity which have been the daily life of the institution for nearly a century, provide a closer texture. But the richest source is, perhaps, the writings of those who serve the cause and whose thought carries weight.

Nevertheless, the International Conference of the Red Cross has twice been mentioned in recent years as being the organ which is qualified to fix the principles of the institution. Such a role is only comprehensible in so far as it may be felt necessary to add to those principles or to adapt them to unforeseen circumstances. For the doctrine of the Red Cross is a reality which is very much alive today, and no one can think of questioning or doing away with it. The documents to which we refer are, first, the conditions for the recognition of new Red Cross Societies, as revised in 1948, and secondly, the Geneva Conventions of 1949¹. Each of them speaks of the "principles of the Red Cross as defined by the International Red Cross Conferences". This commission does not, however, figure in the terms of reference of the Conference, as they are defined in the Statutes of the International Red Cross, the constitutive charter of the movement, revised in 1952. Be that as it may, it would certainly appear that such a commission could in fact be entrusted to the Conference which, according to the terms of the Statutes, is the supreme deliberative body of the institution. It would, however, be necessary for this assembly to free itself of all party quarrels, of all political opportunism and of all ideological barriers. And in this respect one must admit that the experience of the last session of the Conference is hardly encouraging².

The doctrine of the Red Cross must be universal. It is necessary to work everywhere on parallel lines, even, and especially, in wartime, when so many links are sundered: the same inspiration, the same attitude, the same action must prevail on either side of the front. The doctrine of the Red Cross is thus valid for all the countries of the world; certain parts of it cannot be rejected, and others accepted, according

¹ First Convention, Art. 44; Fourth Convention, Art. 63.

² See Final Record of the XVIIIth International Red Cross Conference, held at Toronto in 1952.

to the latitude. This doctrine forms a coherent system, the various parts of which are as interdependent as the stones of a building. Similarly, it is acceptable to all men, whatever their outlook and conception of life. Indeed, accepted by the mind as much as by the heart, the Red Cross is not a creed opposed to other creeds, but an ideal which, in the field of mutual aid, inspires practical solutions adapted to man's requirements. It is not a new religion or a special philosophy, but an attitude which fits in with all religions and all philosophies.

On embarking on the study of the principles of the Red Cross, we immediately discern two major categories: the fundamental or substantial principles, and the organic or institutional principles. This distinction, which has not been made until now, at any rate not expressly, nevertheless compels recognition. The fundamental principles, as we shall see, inspire the Red Cross and influence its actions. The organic principles, whose significance is obviously less, concern the form of the institution and the way it works. Nevertheless these two sets of principles, in spite of the profound difference which separates them, are not always exempt, any more than the individual principles as between themselves, from a certain amount of overlapping in actual practice.

We shall study the fundamental principles and the organic principles in turn.

PART I

FUNDAMENTAL PRINCIPLES

The fundamental principles of the Red Cross first found expression in 1920, through the pen of one of the members of the International Committee, M. Edmond Boissier, whose much regretted death occurred a few years ago. This is what

he wrote that year in the *Revue internationale de la Croix-Rouge* : " The principle recognized and proclaimed up to now by all the Societies united under the Red Cross flag, is that of universal charity devoted to the service of suffering humanity, without distinction of religion, race or frontiers. Charity and universality, together with independence and impartiality, are the essential and distinctive features of the Red Cross ¹." It is clear from this passage, which is without doubt the fruit of reflection on the fundamental meaning of our institution, that the writer, far from wishing to create a new doctrine, sought, on the contrary, to crystallize truths which had long been recognized implicitly ; it must be acknowledged that he succeeded in doing so at the first attempt, with a remarkable sureness.

The following year the International Committee introduced what we call the " summary of the fundamental principles ", into its statutes. Among its various duties, the Committee included that of " maintaining the fundamental and unchanging principles of the Red Cross, namely : impartiality ; political religious and economic independence ; the universality of the Red Cross, and the equality of all National Societies ". Since that time this summary has been reproduced, without any appreciable change, in the successive versions of the International Committee's statutes, and was also included in the " conditions for the recognition " of the National Societies, in the " fundamental principles " of the League ², and lastly, in 1952, in the statutes of the International Red Cross. One can see at a glance that the summary is merely a replica of M. Edmond Boissier's text. But in spite of its success, it is inferior to the original version. For the latter's most important element—the principle of humanity or universal charity—has

¹ *L'avenir de la Croix-Rouge* — « *Revue internationale de la Croix-Rouge* », Geneva, August 1920, p. 883.

² This important statement, which was adopted by the Board of Governors of the League in 1946, is, in spite of its title, exclusively concerned with the organic principles of the Red Cross. It begins, however, by quoting the « summary ». We shall have frequent occasion to refer to the above document in the second part of our study.

The various texts referred to above are to be found in the *Handbook of the International Red Cross*, Geneva, 1953.

been omitted, being no doubt considered as self-evident. In the same way, the idea of non-discrimination or equality between men has been left out on the grounds that it is included in the notion of impartiality ; but that is not so, as we shall see further on. At the end of our study we shall try to give the summary a more adequate and complete form.

The fundamental principles, which might also be called substantial principles, are those which give the Red Cross its essential character, for they express nothing less than the very reason for its existence. The Red Cross cannot abandon them at any price : it must remain faithful to them or it will not endure.

We can, we think, distinguish seven such principles. The greatest is the principle of humanity, the essential basis and motive force of the institution. The other principles, all of which follow from the first, are those the Red Cross must observe in order that the cardinal principle may be translated, efficiently and without suffering any modification, into the reality of acts. The one is the source from which Red Cross action springs, but the others influence that action and characterize it. The first sets an aim ; the others represent the means of achieving that aim.

After the principle of humanity come those of equality and due proportion which are, strictly speaking, the methods of applying the first principle, and are thus the true executive rules of the Red Cross. The next three principles, namely impartiality, neutrality and independence, concern the guarantees which the institution must offer in order to be able to act and merit the confidence of all concerned. Lastly, the principle of universality is a condition, ideal and at the same time practical, which follows from the precepts of humanity and equality.

JEAN S. PICTET

Doctor of Laws

Director for General Affairs

of the International Committee of the Red Cross

(To be continued.)