



REVUE
INTERNATIONALE
DE LA
CROIX-ROUGE

SUPPLEMENT

CONTENTS

| | Page |
|--|------|
| Jean S. Pictet : Red Cross Principles (XI) | II4 |

RED CROSS PRINCIPLES

XI

4. *Auxiliarity*¹

The Red Cross cooperates with the public powers.

The modern conception of the social order assigns the general task of relieving distress primarily to the State. It alone is responsible for the fate of the beings committed to its care. Power implies duties. Besides, the State alone has sufficient authority and resources to cope with a task of this magnitude.

In wartime there is sometimes a tendency to regard the Red Cross as responsible for the condition of certain victims of events—political prisoners, for example, or those deprived of the safeguards of fair trial and defence—as though it were actually to blame for their misfortunes. Nothing could be more unjust. People who adopt such an attitude are usually trying to clear themselves or preparing to meet grievances. If the Powers assume the right to make war, they must bear all its consequences. The Red Cross is only trying to alleviate the ills brought about by others, who are themselves morally bound to relieve them or prevent their occurrence. The intervention of the Red Cross does not free anyone from his obligations. Its devotion to duty must not lead to its becoming a scapegoat for the faults of others.

The Red Cross cannot, as we have said, undertake alone

¹ We are consciously using a neologism here, to indicate the complementary character of the Red Cross. Words of this family are derived from the Latin verb *augere*, which means to "increase" or "add to".

an immense task beyond its capacity. Like any other charitable institution working in the vast field of human affliction, it can only make a contribution proportionate to its strength and resources. It has therefore aimed, in this field, at making good the deficiencies existing under present arrangements, at filling in, in one way or another, the gaps left by the existing social system. We have seen that its contribution is one of private charity and individual initiative. That in itself makes it useful, one might say indispensable. Although the public authorities have vast resources, they are not in a position to relieve all misfortunes, nor, in particular, can they create between the helper and the helped the community of thought, which adds so much, or the generous impulses and warmth of feeling which only arise from personal contact and assistance freely given. Besides, the best-organized services may sometimes be overburdened as a result of exceptional circumstances. There is therefore a place for spontaneous, disinterested action based on charity, as well as for official government action based on justice. That is why the Red Cross can and must assist the public authorities and sometimes, in so far as its means allow, take their place. But the auxiliary character of the Red Cross is not a fundamental principle based on its essential aims. It is the practical outcome of the conditions existing in the field in which it works.

The National Red Cross Societies are, first and foremost, the authorized auxiliaries of the Army Medical Service. They were created in the first instance for that sole purpose. Although it is not their only function today, or even in many cases their most important one, it is still of great significance.

Figuring as it does in all the institution's basic documents, there is hardly any other organic rule more meticulously framed or less open to discussion. Before an organization can be recognized by the Geneva Committee as a National Red Cross Society and so become a member of the world-wide brotherhood of the International Red Cross, it must be accepted by the Government of its country as being auxiliary to the Army Medical Service. That is an absolute condition. If an association

were unwilling or incapable of undertaking such duties in case of need, or not authorized to do so by its Government, it could not become a Red Cross Society ¹.

The role of Red Cross Societies as auxiliaries to Army Medical Services has caused them to be mentioned in Treaty Law ; thanks to it they are granted immunity on the battlefield and have the right to wear the Red Cross emblem there. An Article of the Geneva Convention ² has provided Red Cross Societies with their fundamental legal basis. It gives members of the Societies the same status as army medical personnel, both being placed on exactly the same footing ; they enjoy the same protection, provided they are employed on the same duties and are subject to military law.

Everything we have said here relates to the assistance given by a Red Cross Society to the Medical Service of its own country. But the Geneva Convention lays down that a Society from a neutral country may do the same thing for a belligerent, the conditions governing such assistance being similar, as we shall see below.

It should not be forgotten that although National Red Cross Societies are by far the most important bodies assisting the Medical Services, they are not always the only ones. Other recognized aid societies giving assistance of the same kind exist in certain countries ; the oldest are the Knights of Malta and the Order of St. John of Jerusalem. States could not give the Red Cross an exclusive right to provide voluntary relief for the wounded, and so deny themselves in advance all other help ; they could not do so for the simple reason that the work is voluntary. It would have been wrong to discourage other offers of service, which can never be too numerous in time of war and might have been intended to apply to different spheres, to the religious field for example. These other societies, and the Medical Service itself, will be entitled to use the Red Cross sign when engaged on this work, in spite of their not belonging to the

¹ An exception is, however, made in the case of countries which have no armed forces. This will be explained further on.

² Geneva Convention of 1929, Article 10 ; First Geneva Convention of 1949, Article 26.

Red Cross movement ¹. In such cases co-operation between several different organizations and co-ordination of effort in the giving of care to the wounded and sick will be harder to arrange. A greater measure of goodwill will therefore be required from all concerned ; for in this domain more than in any other a perfect mutual understanding is essential to the success of the work. Such an understanding will be facilitated by the common submission to military orders and discipline, which the Geneva Convention wisely prescribes.

Although Red Cross Societies were originally created to serve as the natural helpers of the Army Medical Service, and for no other purpose, their exclusive assignment to that function was not maintained as time went on. We see two main reasons for this. The first is that National Red Cross Societies were not long in attaining their original objective ; they were fairly quickly organized in a manner which enabled them to carry out their task ; and, what is more, their initiative had the effect of inaugurating a thoroughgoing reform of the official services. The very creation of relief societies had been in the nature of a protest ; that protest was heard, and in a number of countries the Army Medical Service attained a degree of development which made the assistance of the Red Cross less and less necessary.

In the second place the impossibility of leaving Red Cross personnel in a debilitating state of inactivity was soon recognized. It was not felt possible to assemble a host of workers and hold them ready to meet a contingency which might not arise, when there was so much distress to be relieved. Besides, Red Cross personnel had to be trained and given the opportunity of gaining as much practical experience as possible.

The energies of the Red Cross were therefore redirected to some extent towards what is termed peacetime work, that is charitable works on behalf of the general public. This tendency

¹ The League's principles state that " a Red Cross Society should not share the Red Cross name or emblem ". This recommendation obviously does not apply to Societies auxiliary to the Medical Service, which are entitled to make use of the sign by virtue of the Geneva Convention and their recognition by their Government.

increased after the First World War, when it was believed that the spectre of war had disappeared for ever, and that was how the League of Red Cross Societies came into being. It must be admitted that the Red Cross would not have attained its present universal scope and popularity if it had continued to confine itself to assisting war casualties.

Red Cross Societies began to run hospitals, nursing schools and day nurseries ; they tried to raise standards of hygiene and to bring relief to the victims of natural disasters ; they engaged in social welfare work to an increasing extent, training special workers in this field or setting up, in the home country, for example, or in the colonies, organizations which take an interest in, assist and reeducate the infirm, persons who are detained, orphans and, in general, people whose way of life is particularly difficult or dangerous, such as seamen or miners. In carrying out all these tasks, the Societies assist the public authorities, either because they have been granted express authority, or even an exclusive right to do so, by the Government, or else through the very fact that, although acting in a private capacity, they are relieving the official services of duties in the public interest which those services would otherwise have to carry out.

Since the last world conflict there have, happily, been countries which have no army and have decided not to have one. This has made it necessary to modify the conditions for the recognition of Red Cross Societies. According to the new text, in States which do not maintain armed forces a society may become a member of the International Red Cross if it is recognized by its Government as being a " Voluntary Aid Society auxiliary to the public authorities and acting for the benefit of the civilian population " ¹.

There are other spheres too in which the Red Cross is asked to lend its support. At the end of the last century military operations were still exclusively the concern of the armed forces, but since then the civilian population has been involved to a steadily increasing extent. Nowadays civilians suffer as a result

¹ This might, in particular, involve collaboration with the Department of Health.

of war as much or even more than soldiers do. This tragic situation opens up a wide field to Red Cross Societies, a field in which they will find as much scope for keenness and efficiency as in their activities on behalf of wounded members of the forces. We are thinking, among other things, of the work of bringing in and looking after air raid casualties, of the evacuation of refugees, and arrangements for billeting children. For all this, close collaboration with the competent government services is essential.

Another task which the Red Cross did not originally consider to be part of its duty, but later accepted, is assistance to prisoners of war. The help it gives under this heading is very different from that given to the wounded ; it is largely a matter of sending parcels of relief stores. But here again we have a case of intervention by voluntary aid societies which is sanctioned by international law ¹ and involves co-operation with the State. Red Cross Societies have also sometimes been asked by their Governments to set up the national Prisoners of War Information Bureaux for which provision is made in the Geneva Convention. An even more recent development has been the assumption by the Societies of a similar role on behalf of civilians in the power of the enemy. This has been supplemented by tracing work and the transmission of messages for the benefit of civilians in general ².

We thus see that in carrying out their principal tasks in the humanitarian field, Red Cross Societies cooperate with official bodies—as a rule more important than themselves—pursuing similar aims within a given sector.

The Red Cross does not confine itself, however, to assisting those who are giving aid. It also endeavours to help the people whom no one else is helping, thus putting into practice its ideal

¹ Second Geneva Convention of 1949, Article 78 ; Third Geneva Convention of 1949, Article 125.

² During the Second World War, Red Cross Societies exchanged more than twenty-five million family messages through the intermediary of the International Committee, thus taking the place of the postal services, which were completely interrupted between the belligerent countries.

of pure charity. Its help may also be given to people in whom the State takes no interest or those subjected to measures of repression. In such cases the Red Cross is no longer an auxiliary in actual practice, but it remains one, to some extent, from the moral standpoint, since it fills a gap which would otherwise remain unfilled, replacing the public authorities at one point and carrying out a complementary function.

The auxiliary character of the Red Cross demands, lastly, that it should leave other organizations to act alone if they are fully qualified to do so and it is in the interest of those helped. It is true that the Red Cross has its own specific role to fill ; but it in no way claims to exercise a monopoly in the whole philanthropic field. It undertakes or accepts a charitable mission when its intervention is necessary, provided there is no one who can perform the task better. A failure of those responsible to cope with the situation may also lead it to take their place for the time being. But once the difficulty has been overcome, it stands aside and resumes its normal role, for fear of providing the official services with an excuse for inaction and encouraging them to shirk their responsibilities.

5. Autonomy

The Red Cross must have a sufficient degree of autonomy vis-à-vis the public powers.

When studying the more general picture in the first part of our survey, we saw that the Red Cross must be independent of all authorities and all politics. We must now consider the practical problem of the relations which should exist between the Red Cross and the public authorities, and the autonomy the organisation must enjoy.

The last chapter made it clear that the nature of the duties which fall to Red Cross Societies imply continuous collaboration

between the Societies and the authorities. The auxiliary character of the Red Cross in itself demands, and fully justifies, close liaison with the government services, and what is more, such liaison is usually a great help to the Society in its work. Besides, Societies themselves carry out duties which are in the public interest and, in order to exist, they must be approved by their Governments. It would, finally, be inconceivable for them to be a State within a State, or an alien body within the nation.

On the other hand, the Red Cross has world-wide aims, certain aspects of which are supranational ; it cannot therefore be subordinate to one particular authority. Red Cross Societies are private, voluntary bodies ; they are their own masters ; their future is in their own hands. They cannot become mere cogs in the nation's administrative machine ; for there would then no longer be any reason for them to have their own distinct identity. They must above all beware of the intrusion of politics into an institution which is pre-eminently non-political.

The Red Cross is therefore at one and the same time a private organisation and a public service. It is an independent charitable militia which gives the Government assistance in a given sphere.

The remarkable clearness with which the founders of the Red Cross saw the situation must be recognized. They perceived this dual character from the first. At the Conference of relief societies in August 1864, for example, Gustave Moynier pointed out " the difficulty of reconciling two things which appear to be naturally incompatible, namely the freedom from control of private charity and the necessity of making it conform to the requirements of military discipline in the field ".

The contrast between its private character and its connection with the State is one of the most original features of the Red Cross, but it is by no means an insuperable obstacle. One cannot even speak of a contradiction. What is true, however, is that the proper operation of the institution and its harmonious development depend on a just balance being maintained between the two tendencies.

RED CROSS PRINCIPLES

The inherent autonomy of Red Cross Societies has been a recognized principle from the outset. As early as 1863, the Conference which provided the Red Cross with its constitutional charter laid down that each National Society was to "organize itself in the manner which seemed to it most useful and appropriate". Today, the conditions for the recognition of new Societies stipulate that a Red Cross Society must be "an institution whose autonomous status allows it to operate in conformity with the fundamental principles of the Red Cross". This autonomy is also mentioned in the League's principles and in various resolutions adopted at Red Cross Conferences.

But that is not all : Governments have themselves sanctioned this requirement. As we have seen, the voluntary character of Red Cross Societies is taken for granted in the Geneva Conventions, which state expressly that their goods are to be regarded as private property. The revised version of 1949 recognizes that even in the presence of an Occupying Power, the Societies are entitled to be constituted and to act "in conformity with the principles laid down by the International Red Cross Conferences"¹. Moreover, the General Assembly of the United Nations proposed, in a resolution encouraging Member States to help Red Cross Societies, that their "independent voluntary nature be respected in all circumstances"² and, quite recently, the International Conference of American States recommended that Governments should accord National Red Cross Societies the greatest possible measure of autonomy and collaboration³.

¹ First Convention, Article 44 ; Fourth Convention, Article 63. According to the latter Article : " Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power, recognized National Red Cross Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences... the Occupying Power may not require any changes in the personnel or structure of these Societies, which would prejudice the aforesaid activities..."

² Resolution 55 of 19 November 1946.

³ Organization of American States, Xth International Conference of American States, Caracas, 1954.

We said, at the beginning of the present chapter that the Red Cross must be sufficiently independent vis-à-vis the public powers. What exactly does that mean? When can one consider that the degree of autonomy achieved by a National Red Cross Society is sufficient? The reply to this question is given in the passage quoted above from the Conditions for Recognition: it is when a Society is free to "operate in conformity with the fundamental principles of the Red Cross"¹. That one sentence says everything. If what it proclaims is in fact achieved, the Red Cross Society will be able to make its own decisions and remain faithful to its ideals. It will be able to open its ranks to everyone and be at everyone's service. It will be able to make the voice of humanity heard. It will be able to show that it is disinterested and impartial. It will be able to be a real part of the International Red Cross and follow the principles of that universal movement.

The autonomy of the Red Cross will win it the confidence and understanding of the general public, of those it assists and those who give it their support. The mere fact that a Government represents a majority² and is bound to be subject to the influence of parties and factions means that its actions may not always be completely impartial. Any body which owes allegiance to a political party is in a poor position to act in the interests of the entire nation. The Red Cross, for its part, must be able to reach everyone who is suffering, even if the State decides to leave them without care or to exclude them from the community. The Red Cross is not interested in the original cause of their misfortunes. It simply notes that they exist and finds a remedy. Governments may come and go; but the Red Cross is always the same.

In wartime the Red Cross must remain unaffected by the spirit of war which spreads like a flame over the whole country and which the authorities vie with each other in stirring up. It must be free from every passion, other than its charitable

¹ The text adopted by the League of Red Cross Societies employs the formula: "maintain the integrity of its aims in accordance with Red Cross Principles". This wording is also satisfactory.

² When it does not simply represent a minority.

zeal. If it is called upon to serve abroad, it is important that its purely humanitarian character should be obvious to everyone and that its action should not be regarded as mere propaganda. Whenever a Red Cross Society serves as a channel through which its Government distributes relief or other benefits in foreign countries, it must be careful never to become the instrument of a State which seeks to maintain its political influence in the region concerned by winning support and goodwill.

In case of civil war or disturbances within a country, it is particularly necessary for the Red Cross to remain calm and collected. The National Society must set an example under such circumstances, as Red Cross Conferences have not failed to point out. Being a rare element of union in a world of discord, it can intervene between brothers who hate one another, it can gain their confidence, win acceptance for the principle of equality among men and, by so doing, save lives. In this way, it will also help to lessen the bitterness which poisons the aftermath of wars, and so hasten the return to real peace. Even when an open struggle has not taken place in a country, the Society always has a highly commendable duty to carry out—that of visiting and if necessary assisting persons against whom coercive measures are taken for political reasons, and ensuring that the rules of humanity are respected. The atmosphere of impartiality and neutrality which it brings with it will enable it to achieve its object without raising the question on an international level. Needless to say autonomy is indispensable for all these tasks.

In modern times one sees the State extending its control over a wider field in almost every country ; it interferes with private interests, and even enters into the sphere of the intellect. It often strives to mobilize charitable organisations and we must not be blind to the fact that it will be more difficult now than in the past for Red Cross Societies to preserve their independence. They must nevertheless defend it with all their energy, constantly on the alert: their real, fundamental existence depends on it. During the upheavals which accompanied the Second World War the disastrous consequences to a National Society of its subordination to a political party were

clearly seen. And is it not heart-rending to see the whole directing staff renewed in so many countries whenever there is a change of government? ¹ For a Society is thus liable to be decimated and lose its leaders at a time when events demand impartial, effective and rapid action on its part.

Can the leading members of a Red Cross Society also take an active part in public life? The official regulations are silent on this point and so are the resolutions of the International Conferences. What is essential, however, is that the Society should strictly apply the fundamental principles of the Red Cross; that it should lend its assistance without discrimination to everyone who needs it. If the leading members of the Society can carry out their humanitarian mission with complete impartiality, without being in any way influenced by their political opinions, it would be unjust to reproach them for their rôle outside the Red Cross. Members of the Central Committee often devote only a small part of their time to the Society and have leisure to engage in other pursuits. It is to be hoped, however, that if they can, they will choose a field of activity which is not connected with politics. For although there is no incompatibility in theory, there is some advantage too in keeping up appearances and it is well to remove any factor which might shake the confidence which all classes of the population should have in the Red Cross.

What is, in actual fact, the influence of the public powers on the Red Cross, and by what means is it exercised?

As we know, the delegates of sixteen States, gathered together unofficially, founded the Red Cross in 1863. Since that time Governments have always been invited to take part on a footing of equality with member Societies in the International Red Cross Conference, the institution's highest deliberative authority. They thus have very nearly as many votes as the Red Cross itself—which is truly one of the strangest features of the institution. But it must be acknowledged that they have

¹ On the other hand, during a recent internal conflict in Latin America, the National Red Cross Society remained wholly unchanged and retained the confidence of both the contending parties. This happy circumstance deserves to be emphasized.

never taken advantage of the situation. A distinct tendency on the part of certain government representatives to abstain from interfering in what they regard as purely Red Cross matters has been noted during the last few decades. On the other hand, it seems difficult to maintain that States are bound by the decisions of the Conference, in view of the fact that it has no diplomatic or intergovernmental standing.

In the previous chapter we discussed the role which National Red Cross Societies play as auxiliaries to the Army Medical Service. Under the Geneva Convention, the personnel of the Societies only benefit by immunity if they carry out the same duties as members of the official medical services and are "subject to military laws and regulations". This means in practice that Red Cross personnel will be temporarily incorporated in the medical service and placed under its orders. But incorporation does not mean identification, and there is nothing in the Convention to imply that relief personnel must form part of the armed forces. In most countries voluntary relief personnel retain their status as civilians, or at all events enjoy a special status and wear a different uniform. This solution appears to us a very good one, for it enables the Red Cross to preserve its individual character.

Red Cross Societies carry out public duties ; they also entertain relations with other countries. It is clear, therefore, that they must be accorded a privileged position. They are often given State subsidies, or various facilities, such as exemption from taxes, free transport, exemption from customs duty, or a monopoly in one field or another. And since a favour is seldom granted without some return—since nothing, in fact, is given "for nothing"—the more generous the authorities show themselves to be, the more inclined they are to try to exercise some degree of supervision. This may take various forms, the simplest merely consisting in periodical inspections which allow the Government to ensure, for instance, that the Society enrolls the necessary staff and maintains sufficient equipment, or that its finances are sound and properly managed.

On the other hand, the State often aims at exerting a more direct and effective influence over the National Society. In

many countries the statutes of the Red Cross must, by law, be submitted to the Government for approval, and the Government reserves certain leading posts for its own nominees. Sometime the President or Chairman of the Society is chosen by the Head of the State; in countries with monarchies, it is customary for the Royal family to be associated with the Red Cross, either by occupying an honorary post or by according the Society their patronage.

It is even more common to find the public authorities playing some part in the actual composition of the Society's managing bodies—particularly of its Central Committee: representatives of the departments concerned may automatically be members of the Central Committee, the Government may appoint a proportion of its members, or may merely have the right to propose or veto the names of persons who are presented as candidates for election.

Study of the statutes of different National Red Cross Societies shows that a system of complete autonomy, in which all the office holders and all the members of the Central Committee are freely elected by the General Assembly, is exceptional. The complete opposite, in which the State is entitled to and, in fact, holds the majority of the seats, is also rare. In most countries, an intermediate solution is adopted, the Government controlling less than half the seats.

It is true that statutes are not everything, The autonomy of a Society will depend on innumerable factors, many of which cannot be checked. It would be necessary to take part in the life of each National Red Cross, in order to measure the true extent of its independence. For in a case where the Government nominates a number of the members of a Society's Central Committee, its representatives may receive no further instructions from the public authorities and be left free to act according to their own judgment. On the other hand, a Society whose statutes disclose no apparent interference on the part of the State, may in fact be subjected to so much indirect pressure that it is for all practical purposes under government control.

Nevertheless, as we shall see in the next chapter, one of the best guarantees of a Society's independence is a democratic form of organization and recruitment.

RED CROSS PRINCIPLES

It is also important that it should depend for its funds, in part at least, on individual voluntary subscriptions. A Society which could not count on receiving funds from any private source and had all its needs covered by the State, would run the risk of soon having to obey a will other than its own. The Leagues' principles accordingly recommend that Red Cross Societies should not accept funds from the State unless they are assured of nevertheless retaining their independence.

JEAN S. PICTET

(To be continued.)
