

The International Red Cross

by Hans Haug

At the twentieth meeting of jurists of the German Red Cross in the Federal Republic of Germany, held in Münster last September, the President of the Swiss Red Cross, Professor Hans Haug, spoke on the International Red Cross. Extensive extracts from his paper are given below, as we feel that the problems discussed are of lively and topical interest for all sections of the Red Cross movement.

Mr. Haug's paper is among those which International Review intends to publish, in its endeavour to give a number of notabilities the opportunity to express their views on the various questions raised by Mr. Donald D. Tansley in his study on the reappraisal of the role of the Red Cross (Ed.).

As has been seen above, it is difficult, even for Red Cross staff and, of course, much more so for the general public, to grasp the extremely complex structure and organization of the International Red Cross. That is why voices are periodically raised that it should be simplified, by doing away, for example, with the International Red Cross Conference which, if those critics are to be believed, is liable to drag the Red Cross into the political arena; or by abolishing the Council of Delegates, whose usefulness is queried in certain circles. In his final report, Donald Tansley concludes—to my mind, rightly—in favour of the maintenance of the present structure and organization which, he believes, have demonstrated their validity and are even capable in some respects of development. His proposal to admit the United Nations as a full member of the Red Cross Conferences merits consideration, if we take into account the constantly increasing co-operation between the Red Cross institutions and those of the United Nations. Another reasonable

proposal is to convoke more often the Council of Delegates and submit to it any important questions in order to reinforce the links uniting the Red Cross bodies. On the other hand, I do not approve Mr. Tansley's proposals concerning the election and composition of the Standing Commission. The Standing Commission must be elected by the Red Cross Conference, since its main task is to prepare the ground for the Conference, and its composition should reflect that of the entire Red Cross community, which is composed of the National Societies, the ICRC and the League.¹ We may give our unqualified support to Mr. Tansley's recommendation that the International Red Cross should be made more widely known as a living reality, so as to strengthen the unity and supra-national efficiency of the universal movement of the Red Cross.²

The International Committee of the Red Cross

The status, juridical nature, tasks and functions of the ICRC are derived from the Statutes of the International Red Cross, from its own Statutes,³ and from the 1949 Geneva Conventions for the protection of war victims. The ICRC, which is an association governed by the Swiss Civil Code and which co-opts its members (15 to 25) from among Swiss citizens, has been defined as an independent, specifically neutral institution, called upon to take action, especially in case of war, civil war or internal strife, as an intermediary between the parties or, in the words of the Geneva Conventions, as an "impartial humanitarian organization". The Committee's task is to provide the victims of such conflicts with protection and assistance, and to that end exercise the right of initiative and discharge the functions incumbent on it under the Geneva Conventions. The ICRC also has to work to develop and teach international

¹ See *Study on the re-appraisal of the role of the Red Cross. Final report: an agenda for Red Cross*, by Donald D. Tansley, Study Director, Geneva, 1975. Tansley proposes that the Standing Commission should be elected by the Council of Delegates and that it should contain the same number of members from both ICRC and League (p. 122). Tansley does not seem to be aware of the fact that the five members elected by the Red Cross Conference represent the National Red Cross Societies and not the League.

² The term "International Red Cross" is not very familiar to people in Switzerland, most of whom seem to think that it is synonymous with "International Committee of the Red Cross".

³ The most recent version is that of 21 June 1973. It was published in *International Review of the Red Cross*, August 1973, pp. 424-428.

humanitarian law and to defend the principles of the Geneva Conventions. It is, moreover, one of the Committee's roles to recognize any newly established or reconstituted National Red Cross Society if it fulfils the criteria defined by Red Cross Conferences. Taking into consideration the role assigned to the ICRC, under the Geneva Conventions in particular, it may be deemed to be a person or entity in international law.

In the last few decades, the question was several times raised whether there were any valid reasons for maintaining the exclusively Swiss character of the ICRC, since it was called upon to perform only international tasks, or whether it would be more fitting that it should become a multinational institution which might be considered to be able to exercise better the functions incumbent on the International Committee. The argument in favour of this idea, which would change fundamentally the ICRC's traditional form, is that a Committee composed of members of different nationalities would be more acceptable to certain parties in a conflict and would show more understanding for the situation and needs of certain countries, especially those of the Third World. It might also be considered that Switzerland's permanent neutrality, on which ICRC action is in fact founded, enjoys a lesser consideration among the nations of the world today than it did among the countries that formed the community of Western European nations in an earlier period. Are we not witnessing today a trend leading to truly international co-operation based on "sovereign equality"? Many people think that exclusive privileges and rights are contrary to the spirit of the times.

In spite of these questionings, the ICRC has preserved so far its character of an "uninational international organization". The all-Swiss composition of the ICRC guarantees a degree of independence, neutrality and impartiality which may well be described as exceptional, even unique in the world of today. This was recognized by the Diplomatic Conference on the development of international humanitarian law, at which no attempt was made to change or replace the ICRC. Indeed, Protocol I at least may be considered to strengthen the ICRC's role and status.¹ Donald Tansley, in his final report on the study of the re-appraisal of the role of the Red Cross, takes the view that criticism levelled from time to time against the ICRC stems not from its all-Swiss character, but

¹ See, in particular, articles 5 and 70 bis adopted by Committee I at the 2nd session (1975). Cf. *International Review of the Red Cross*, July 1975, pp. 323-358.

rather from the fact that it is an external body intervening in what are considered to be the internal affairs of a sovereign State. Tansley draws the following conclusion from his examination of the ICRC's "un-nationality":

"Internationalising the Assembly¹ would not in itself guarantee that the world would be seen in a more enlightened way, and the damage to the ICRC's strengths of neutrality and independence could be catastrophic. While many may not like it, it is hard to escape the conclusion that an all-Swiss Assembly is, in the words of a well-known ICRC critic and supporter, 'the least bad solution.'" (p. 113)²

While experience has sufficiently demonstrated the advantage of an all-Swiss ICRC and while it is not easy to imagine a multinational committee capable of confronting future conflicts with any degree of success, the proposals put forward and the steps taken to open wider the Geneva institution to outside elements, especially to the National Red Cross Societies and their League, should be welcomed. For example, suggestions have come from several quarters that the Committee should call more frequently—as it did in the case of the drafts relative to the Geneva Conventions and the Protocols—upon non-Swiss consultants, such as National Red Cross Society presidents or relief operations experts.³

Jacques Freymond⁴ has advocated the creation of a category of "foreign correspondent members", who might be consulted because of

¹ Under the ICRC's 1973 Statutes, the supreme policy-making body of the ICRC is the Assembly, composed of all its members. Its other organs are the Executive Council, composed also of members, and the Directorate, which carries out the Executive Council's directives.

² Jacques Freymond in his *Guerres, Révolutions, Croix-Rouge*, Geneva 1976, p. 33, writes: " Cette institution internationale suisse on l'accepte parce qu'elle existe et dans la mesure où elle fournit la démonstration de son utilité. Disons plutôt qu'on la tolère. "

³ At a colloquium on Red Cross questions, attended by ICRC members, representatives of the League and members of the Standing Commission (Montreux, April 1972), Mr. Max Petitpierre, a former member of the Swiss Federal Council, who was at the time a member of the International Committee, read a paper in which he said that the ICRC should "envisage... appealing more frequently and more systematically than heretofore to outside collaboration. This does not mean the founding of new bodies, but the resort to outstanding and experienced officials of the National Societies as permanent or occasional advisers." There is a similar suggestion in Tansley, *ibid.*, 113.

⁴ Jacques Freymond, *ibid.*, p. 34.

their knowledge of the political and social climate of the areas where ICRC action might take place. An idea which has already been accepted and has proved its merits is to set up, in the case of armed conflict necessitating large-scale relief operations requiring the participation of National Red Cross Societies (as for the conflicts in Nigeria, Bangladesh, Middle East), *ad hoc* consultative committees, or even executive bodies whose members might be representatives of the National Societies involved and of the League, the overall operations being directed by the ICRC. The 1969 agreement between the ICRC and League, and the 1973 document interpreting it, constitute a valid basis for such measures to strengthen International Red Cross unity and especially its efficiency.¹

The League of Red Cross Societies

The League of Red Cross Societies, founded in 1919 on the initiative mainly of the American Red Cross, is the world federation of the National Societies. It is an independent organization, forms part, on equal terms with the ICRC, of the International Red Cross, and asserts its adherence to the Red Cross principles proclaimed by Red Cross Conferences. Its aim, from the time it was founded, is to promote the work of the National Red Cross Societies not only in peace-time, but also in time of armed conflicts. In recent years, a preponderant proportion of the League's activities has been:

1. to promote in every country the establishment and development of a National Red Cross Society meeting defined criteria;
2. to bring relief to the victims of natural and other catastrophes, and in certain cases to those of armed conflicts, in particular by co-ordinating and directing the efforts of the National Societies;
3. to support National Societies in their health and social welfare work;

¹ Max Petitpierre stated at the Montreux colloquium: "The Red Cross bodies, the ICRC on the one hand, and the League and the National Societies on the other, each have their own scope and responsibilities. But in one field their responsibilities are shared, namely in relief work. That is a field in which the International Red Cross as a whole is concerned and must intervene as effectively as possible. If co-operation between those bodies is good, it enhances the position of the Red Cross in the world; if it has shortcomings, that position is weakened." Jacques Freymond, *ibid.*, writes: "Il ne devrait plus y avoir de doute aujourd'hui sur l'importance que revêt un engagement global, coordonné, intégré, des moyens dont dispose l'ensemble du mouvement de la Croix-Rouge." (p. 156)

4. to support National Societies in their efforts to spread the ideals of the Red Cross among the population in general and among youth in particular, and to encourage their work to promote peace.

The magnitude of the first of those tasks may be judged by the fact that the number of National Societies increased from 28 in 1919 to 121 in 1976. The Tansley report brings out the great diversity of those Societies' structure, organization, working programmes and work potential. More than half, being short of manpower and material resources, are able to fulfil only part of the tasks which should normally be undertaken by a Red Cross Society, or restrict their humanitarian activities to only part of the country, the larger towns, for instance. The evident inadequacies of many Societies, which may often be attributed to the fragility of the political, economic and social conditions in which they operate, allow us to gauge all the significance of the League's Red Cross Development Programme. Donald Tansley proposes a re-oriented development and new methods for the programme, and recommends closer co-operation between the League and ICRC for the purpose of strengthening National Red Cross Societies.¹ The Red Cross Societies in developed countries are urged to support the Red Cross Development Programme by providing experts, seasoned staff and financial aid.

Red Cross relief operations in aid of the victims of earthquakes, floods, droughts, and also in aid of refugees, have expanded extraordinarily in the past few years. In order to provide for future needs, methods for better planning and more efficient technical preparedness, and for better co-ordination between the Red Cross and the United Nations agencies and voluntary charitable organizations are under examination. It should be pointed out that although the principal task of the League is to carry out relief operations unrelated to armed conflicts or at least in areas outside war zones, this limitation on its activities has been somewhat relaxed since the 1969 agreement was concluded between the ICRC and League. It is laid down in the agreement that, even in countries where there is an international war, civil war, blockade or military occupation, the League may, as a result of special circumstances, be called upon to give assistance to the civilian population, in co-operation with the ICRC and with its agreement, and at the request of a

¹ Tansley, *Final report, ibid*: "A new development process", pp. 85-91.

National Red Cross Society. It is also stipulated in the agreement that when, in those cases where the ICRC assumes the general direction of the Red Cross international action, the intervention of a neutral intermediary is not or is no longer necessary, the ICRC shall reach agreement with the League with a view to associating it with the relief action or even handing over to it the entire responsibility. This extension of the League's role has been acknowledged in article 70 bis, paragraph 1, of draft Protocol I additional to the Geneva Conventions, approved by the appropriate Committee.¹

The purpose of the forthcoming revision of the League's Constitution is to re-define certain functions of the National Societies' federation, and more particularly to devise for it a new structure and to strengthen the organization which so far lacked an executive body, with powers to make decisions and take action. The present Executive Committee, composed of 29 National Societies meeting every two years, and the Committee of the Chairman and Vice-Chairmen, whose functions are very restricted, will be replaced by an Executive Council of 19 members, namely, the Chairman, six Vice-Chairmen, and twelve other persons designated by the Red Cross Societies elected to the Executive Council.² The Council shall meet at least twice a year and will be vested with wide powers of management, execution and supervision under the authority of the General Assembly (the present Board of Governors) and subject to its decision. The new Constitution will make it compulsory for National Societies to support the League in the discharge of its tasks and to respect and observe the decisions taken by the General Assembly and Executive Council.³

¹ Article 70 bis, para. 3, states: "The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies will extend to the victims of conflicts in accordance with the provisions of the Conventions and the present Protocol and with the fundamental Principles of the Red Cross as formulated by the International Red Cross Conferences."

² At its extraordinary session held from 1 to 6 November 1976, the League Board of Governors decided that the new Executive Council should be composed of 26 members (the Chairman, 9 Vice-Chairmen and 16 other members).

³ Donald Tansley writes in his final report, *ibid.*: "Reference has already been made to the jealously-guarded autonomy of National Societies. A logical consequence has been that the mandate of the League and hence of its Secretariat is weak. This is clearly revealed in the Statutes of the League, in the nature of its resolutions and in the operations of the Secretariat." (p. 99) "... National Societies must begin to accept more fully their duties and responsibilities as members of the League." (p. 100)

The National Red Cross, Red Crescent and Red Lion and Sun Societies

The study on the re-appraisal of the role of the Red Cross disclosed the diversity not only of the National Societies' structure, organization, material and human resources, and work potential, but also of their activities and programmes. While some Societies are well prepared to assume protection and relief tasks in time of war or of natural disaster, others are mostly involved in health and welfare activities and in work for the young. The final report stated that some National Societies' activities were organized haphazardly; they seemed to be improvised rather than fitted into a general overall plan, they were not harmonized with the efforts of other organizations and were too often characterized by a paternalistic outlook moved by feelings of charity.

Donald Tansley invites National Societies to re-discover, and commit themselves to, a basic role capable of guiding the League Development Programme towards a clear and precise goal. In his view, the basic role of the National Societies and of the whole Red Cross movement should consist in the provision of emergency help, on an impartial basis, whenever and wherever human needs for protection and assistance exist because of a natural disaster or conflict.¹ Many activities carried out by National Red Cross Societies, especially in health and social welfare, can certainly supplement and indirectly strengthen this basic role, which however should not be jeopardized by such activities. Should their forces and resources be limited, it would be advisable to give priority to the tasks which the basic role entails.

There is no doubt that an essential condition for the systematic development and the reinforcement of the unity of the Red Cross is to deal with the major tasks which have to be discharged almost everywhere in the world. But it should not be forgotten that the diversity of the National Societies' activities is linked to the wide range of conditions and needs peculiar to every country: natural disasters occur more frequently in some countries than in others, and emergency help in some countries is provided by State services or other organizations. It has also been asserted that Tansley's concept of the basic role for Red Cross did not take into account the importance of the work done by numerous Red Cross Societies in the vast field of health and social welfare.

¹ *Final report, ibid.*, p. 64.

A very important point for the Red Cross concerns the relations which a National Society entertains with the State and its authorities and which are dominated by the twofold necessity of collaboration and integration, on the one hand, and independence, on the other hand. The fact that a Red Cross Society cannot claim full and absolute independence vis-à-vis the State is a consequence of its own *status*, for its role is that of “auxiliary to the public authorities” and it is as such that it is granted recognition by its country’s government. But the fourth Red Cross principle summed up in the word “Independence” declares that National Societies must maintain their autonomy “so that they may be able at all times to act in accordance with Red Cross principles”. In other words, a Red Cross Society should enjoy a degree of liberty of action and decision-making permitting it to defend the principles of humanity, impartiality, neutrality and universality. A National Society should have the right and the practical possibility to take up the cudgels in defence of humanity where its own government is concerned (e.g., in favour of prisoners of war or political detainees) and to refuse to undertake operations with which the government wishes to entrust it, if it considers such operations incompatible with the notion of impartiality. Moreover, a Red Cross Society should be free in international conferences to abstain from taking initiatives or stands of a political nature, even if they correspond to its country’s policy or its government’s wishes.¹

For those who are aware of the facts, there is no doubt that the principle of the (relative) independence and autonomy of the National Red Cross Societies has often been only imperfectly translated into practice.² Some Societies are too closely supervised, some even dominated, by the authorities in their country. Others are so strongly integrated in the politico-social structures that they undergo as a matter of course political and ideological pressure of some kind or other. In some cases, too, a Society may lose its independence by being associated exclusively with certain strata of the population or with private money interests or supporters.

¹ See Walter Bargatzky, *Red Cross unity in the world*, in *International Review of the Red Cross*, October 1974, p. 515-526. Bargatzky writes: “It is always to the credit of a Red Cross Society if it votes differently from the representatives of its government when it believes that otherwise it would be failing in its humanitarian duty.” (p. 523)

² See also Donald Tansley, *Final report*, *ibid.*, pp. 92-98, and the background paper *Red Cross at National Level: a Profile*, p. 58.

The fourth Red Cross principle (with its blunt affirmation: "The Red Cross is independent") and its application in practice deserve more detailed study. This might be perhaps forthcoming in the commentary which the Henry Dunant Institute is preparing in which it purposes to explain the Red Cross principles.¹

The Red Cross as a factor of peace

For many years now, the International Conferences of the Red Cross and the Board of Governors have adopted resolutions in which the Red Cross is referred to as a factor of peace, and the need for action to promote peace is underlined. Indeed, according to the first Red Cross precept, "Humanity", the Red Cross endeavours not only "to prevent and alleviate human suffering wherever it may be found", but to promote "mutual understanding, friendship, co-operation and lasting peace among all peoples".

In recent years, the demand for the Red Cross to undertake more extensive, more direct and more resolute action in favour of peace, and even to devise some sort of global strategy that would lead to the condemnation of the use of force for settling conflicts has been more insistent.² Consequently, at the invitation of the Yugoslav Red Cross and in application of a resolution adopted in 1973 by the Board of Governors, the

¹ A masterly exposition of the principles of the Red Cross, but written prior to the 1961/1965 revised version of those principles, was made by Jean Pictet, *Red Cross Principles*, Geneva 1956.

² Walter Bargatzky, President of the German Red Cross in the Federal Republic of Germany, said in 1968: "For us who constitute the Red Cross and, especially, for those of the younger generation who are thinking of working one day for our institution, it is not our wish to see the admirable workers of the Red Cross devote their energies to relief only on the field of battle; over and above the din of battle, we want to hear the Red Cross' insistent and, if need be, accusatory call for peace. Let us lend our support to the International Red Cross in its historic mission which, as at Solferino, can be compared only to that of a preacher calling out doggedly for peace, to that of a man who can be troublesome and is liable perhaps to expose himself to attacks but who carries on unconcernedly." (In *Humanität und Neutralität*, Bonn 1968, p. 12, translated from the German.)

Jacques Freymond, *ibid*, writes: "Une des conclusions à tirer des débats de la Conférence diplomatique c'est qu'il n'est plus possible d'humaniser la guerre et que par conséquent le CICR n'a pas d'autre choix que d'élaborer une stratégie humanitaire globale, à travers et par delà les organisations de la Croix-Rouge, en mobilisant l'opinion mondiale dans une lutte de longue durée contre le recours à la force aussi bien dans la solution de problèmes internes que dans les relations entre Etats. La base de cette stratégie est fournie par les Conventions de Genève et par la Charte internationale des droits de l'Homme." (p. 141)

first “World Red Cross Conference on Peace” was held at Belgrade in 1975 and set up a “Programme of action of the Red Cross as a factor of peace”, which it is intended shortly to put into practice after it has been put into definite shape.

The notion that the Red Cross ought not only to alleviate, but also to prevent human suffering is not denied, just as it is recognized that to set up legal barriers to prevent recourse to force, and to bring assistance to victims, is not enough, but that one should condemn and combat recourse to force. The question is how is the Red Cross to work for and build up peace. The Red Cross undeniably has the right and the practical possibility to promote “mutual understanding, friendship and co-operation amongst all peoples”; that is what it does when it fulfils its humanitarian task in peace and war in accordance with the principles of humanity and impartiality. The question whether this indirect action might be supplemented by direct action for peace—for instance, by negotiations with the aim of preventing an armed conflict from breaking out, or of obtaining a cease-fire or a cessation of hostilities—is a more delicate one, but some of the resolutions adopted by Red Cross Conferences do suggest such action.¹ So does the Belgrade “Programme of action”. But in this latter document, a further extension of direct Red Cross action for peace is contemplated by its request for co-operation with the United Nations, no longer to settle humanitarian problems, but to elaborate documents condemning aggression, racial discrimination, the policy of apartheid and detention on political grounds.

It is my opinion that any action envisaged by the Red Cross for peace outside the humanitarian sphere would run counter to the principle of neutrality, which must be observed in all its activities, and which says that the Red Cross institutions “may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature”. This attitude of non-interference is justified by the need to retain the general confidence of the public, which is essential for the fulfilment of humanitarian tasks, and also by the attention that should be paid to the preservation of unity and universality, for any Red Cross intrusion in “controversies of a political, racial, religious or ideological

¹ See, in particular, Resolution No. X, International Conference of the Red Cross, Vienna (1965), and Resolution No. XX, International Conference of the Red Cross, Istanbul (1969) (in *Red Cross Handbook*, p. 392 and p. 396).

nature” would carry with it the risk of splitting the world Red Cross community into opposing blocs.

Working for peace is indispensable and it should be undertaken with resolution, but there are limits which the Red Cross must observe, failing which it would be rejecting or neglecting its humanitarian mission.¹

The Red Cross as a world movement

Among the strengths of the Red Cross, one should mention first of all the very special nature of its relations and co-operation with States, resting on both international and municipal law. Then come the well-organized structures of the International Red Cross and of its various statutes, which allow it to assume all the wide range of humanitarian tasks.

Last but not least, the Red Cross draws its greatest strength from the dedication of human beings, ready to serve its ideals by deeds and not by words. These men and women—blood donors, first-aiders, nurses, social workers, doctors—fill the ranks of the National Societies; committed to the same ideals, working in the same spirit, they communicate with each other in a language which unites them notwithstanding their diversity in the world community of the Red Cross family.²

As this community—which includes the staff of the Geneva institutions—has not ceased to grow, as it has continued to be vigilant and alive and untiringly takes up new tasks in its fight against human suffering, it richly deserves to be called a movement, better still a “world movement”. If the term “world Red Cross movement” is often referred

¹ Donald Tansley, *Final report, ibid.*:

“There appears to be very little support, measured in terms of numbers of Red Cross components (not to be confused with the *intensity* of support by some National Societies) for direct peace action that involves criticising specific groups as aggressive or responsible for the causes of war. Across the movement there is a widely held feeling that such action is inconsistent with the idea of being “non-political” and “neutral”, and being able to perform humanitarian protection and assistance on a universal basis.” (p. 38)

“...it seems unwise for Red Cross to consider “work for peace” as a separate function parallel to or of the same nature as protection and assistance, or its health and welfare activities. This is not to say that peace should not continue to be a major concern of Red Cross. Indeed, it can and should be. But the forms this concern might take require careful thought within the movement.” (p. 40)

² Donald Tansley, *Final report, ibid.*: “The movement is well regarded by men and women of virtually all political, ideological and religious persuasions.” (p. 44)

“...it seems that the glue which holds Red Cross together is the similar nature of the people it attracts across a wide range of countries and cultures.” (p. 46)

to today, that is a sign that our institution is more than a phenomenon of law, more than just an organization; it shows that it is founded essentially on man, on his intellect and his inner sentiments which impel him to action.

Those who see in the International Red Cross a world community or world movement, sustained in every country all over the earth by men ready to act without any thought of personal gain, need not fear for its future, whatever may be the vicissitudes and uncertainties of the present.

Hans HAUG
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Red Cross
