

THE FUNDAMENTAL PRINCIPLES OF THE RED CROSS, PEACE AND HUMAN RIGHTS

by Jacques Moreillon

INTRODUCTION

The theme of this paper¹ is not an easy one. The difficulty of our subject is twofold: on the one hand, two of its three facets (peace and human rights) raise conceptual and interpretative problems; on the other hand, to deal with them together would involve finding a common factor, something which is not obvious even—perhaps especially—within the limited framework of the Red Cross movement.

We would therefore like to begin by establishing some simple concepts as guidelines in this paper.

First, since the first world war the role of the Red Cross in promoting peace has become a matter of increasing importance, but also of increasing delicacy, within the movement.

Secondly, human rights are the subject of many political discussions throughout the world today; yet, although the Red Cross movement has always been motivated by concern that certain fundamental human rights should be respected, human rights as such have only been a marginal consideration—at least until now.

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Thirdly, the fundamental principles of the Red Cross hold our movement together, they are its common denominator, a fixed point of reference in an unstable universe and an essential guarantee of its cohesion and universality.

Taking these three simple ideas as our starting point, we shall try to attain in the next few pages the following two objectives simultaneously: first, to underline the most important elements of the role of the Red Cross in promoting peace and of the place of human rights among our institution's concerns; and then, on the basis of the fundamental principles of the Red Cross, to establish guidelines for our study—and perhaps our movement—in analyzing the relations of the Red Cross with peace and human rights.

We are thus already nearer an answer to the twofold challenge presented by our theme: it is in the fundamental principles that we must seek the common denominator of peace and human rights within the Red Cross.

THE RED CROSS AND PEACE

Historical background

The years 1921, 1930, 1948, 1957 and 1977 mark the five principal stages in the evolution of the Red Cross standpoint on peace.

Of course, Henry Dunant was a pacifist and Gustave Moynier was perfectly aware that peace must be the ultimate aim of an organization born out of the horror of war, but within the movement, before 1921, peace was not even formally considered as a possible consequence of the work of the National Societies. At most, they considered their work in peace-time as the best way to prepare for wartime.

In 1921, however, the Tenth International Red Cross Conference encouraged the League and the ICRC to "address an appeal to all peoples to combat the spirit of war which is still rife throughout the world". This was the Red Cross movement's first appeal for peace.

In 1930, the Fourteenth International Conference went one step further and adopted Resolution XXV, which may today be considered as constituting the primary basis of the Red Cross contribution to peace.

This resolution reads as a logical sequence of thoughts, each paragraph following on from the preceding one and leading into the next, and concluding with a remarkable synthesis. It begins by recalling that the work of the National Societies had developed from merely helping wounded soldiers to providing relief to all forms of suffering in time of peace as well as in time of war; it then states that a fundamental condition of this work is the scrupulous observance of the principle of neutrality; it goes on to stress that this work, which is carried out all over the world, with a common aim and under one emblem consecrated by a universal treaty, constitutes "a moral force transcending national frontiers and a factor for mutual aid and reconciliation between peoples". It thus reaches the natural conclusion that: "... the Red Cross must endeavour to seek all points where it may exert its moral force and its prestige to move the world towards mutual understanding and conciliation, the essential guarantees for the maintenance of peace, and must combat war with every means available to it, thereby preventing the suffering of which the alleviation was the primary object of its activity".

These words are still full of meaning for the world today, and in the course of the last fifty years these features of the Red Cross have not at all aged.

Resolution 64 of the Seventeenth International Red Cross Conference of 1948 is too long to be summarized here, but it is interesting in view of the following new elements contained in it—new in respect of previous resolutions: the outline of a programme of concrete actions, which, when put into effect, would contribute directly to peace; the importance of young people in strengthening peace; the fact that peace is not merely the absence of war but that it has to be attained through a struggle in all areas of human activity.

In 1957, two further elements appeared in the resolution on peace: on the one hand, the International Conference addressed governments for the first time, appealing to them to settle their disputes in a pacific manner; on the other hand, "in accordance with the aims and principles of the Charter of the United Nations", the Conference recommended that the National Societies act as an intermediary among the nations and keep the ideal of peace alive amongst all peoples.

Between 1957 and 1977 there appeared in resolutions on peace several themes which previously either had not been mentioned by the International Red Cross Conferences or had been referred to in separate resolutions; this was the case, in particular, of disarmament, the ban on certain weapons, atomic weapons, the peaceful settlement of disputes, non-recourse to force, the right of self-determination, the observance of

the Geneva Conventions, the protection of civilian populations during armed conflicts, human rights, racial discrimination, and collaboration with the United Nations and its specialized agencies.

There was a proliferation of themes (see for example, Resolution XX of the Twenty-first International Red Cross Conference in 1969) but, for the first time, the proteiform resolutions in which they were expressed were not adopted unanimously. A serious paradoxical situation had been reached in which the National Red Cross Societies not only disagreed over peace, but imposed upon a minority, by putting the question to a vote,—a civilized form of conflict—the majority's concept of peace. To restore the movement's basic unity and to avoid a "Pax Romana" within the Red Cross it had become imperative to reach a fresh consensus on the role and work of the Red Cross in support of peace.

This was the objective which the XXXIIIRD Session of the Board of Governors set itself in 1973, when it decided to convene a Red Cross conference on Peace. This decision set off a long and often difficult process which was nonetheless of great importance for the Red Cross and which, through the Belgrade Conference in 1975 and the ensuing working group, reached, at the 1977 meeting of the Council of Delegates in Bucharest, a consensus on the "Programme of Action of the Red Cross as a Factor of Peace" and on related texts.

It is generally known that this was the outcome of at times laborious discussions before, during and after the Belgrade Conference, and it is therefore not surprising that some people considered that it went too far and others that it did not go far enough. Yet, whatever its imperfections, this programme has one major essential merit: that, as we have said, the National Societies, the League and the ICRC were invited *by consensus* to draw their guiding inspiration from it for their respective activities. With this consensus, the Red Cross made peace over the matter of peace—a considerable event in itself. It was a sort of pact, and, as such, both a result and a beginning.

The heart of the matter

Before going on from this historical account to examine prospects, it would be appropriate to pause to consider what in our view was the central issue in the negotiations which resulted in this consensus. The problem was solved in the programme of action and thanks to its inter-

pretrative texts, but it is important to bear in mind that it was a compromise between two trends of thought which are still very much alive within the movement.

One of these believes that for the Red Cross to be up to date it must take an active interest in all the major problems of our time and try to contribute to their solution. The other fears that if the Red Cross follows this line of action, it will become enmeshed in political tangles and its humanitarian work will be paralyzed.

In our opinion, between these two schools of thought lie many non-issues, frequent misunderstandings and accusations of malicious intent. All these often arise from problems of terminology; we have indeed seen that the mere use of the word "peace" occasions the same reaction of distrust among some interlocutors as the use of "human rights" among others...usually not the same interlocutors! The United Nations vocabulary sometimes provokes similar reactions, as frequently no distinction is made between fundamental documents such as the United Nations Charter or the Declaration of Human Rights, which have universal bearing, and ordinary resolutions adopted by majority vote,—which are themselves at times disputed. Furthermore, people—depending on personal or national circumstances—have each their priority concerns: one thinks he has good cause to fear his country may be attacked by another, a second is afraid more particularly of an imbalance of nuclear and traditional forces, a third is deeply seared in his soul by the torture to which his comrades have been subjected, and a fourth considers racial discrimination as an affront to his personal dignity.

"And that's how", some people will tell us, "the Red Cross is led down step by step to take a political stand and its action is bogged down". "But," others will retort, "how do you expect the Red Cross to be credible—and thus effective—if, in this day and age, it takes no account of these basic problems?"

To clarify these conceptual differences we must revert to the fundamental principles of the Red Cross, which, with your permission, we should like to do by means of a grammatical digression. Verbs may be classed in three categories: action, abstention, and state. Five of the seven fundamental principles—those of humanity, impartiality, voluntary service, unity and universality—make use of verbs of action. These verbs show the Red Cross at work: "prevent, alleviate, protect, ensure respect, promote, relieve, give priority, be, be open, carry on, share". They sound like a song in praise of Red Cross work, on which our movement has always agreed and will continue to agree, because agreement is readily and spontaneously reached on humanitarian action.

One principle, that of independence, uses a verb of state, saying that the Red Cross must "maintain" its autonomy; and even so, it maintains it in order to be able "at all times to act in accordance with Red Cross principles". So, here again, action takes pride of place.

Only one principle out of seven contains a verb of abstention, that of neutrality, which states: "In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature".

The Statutes of the International Red Cross go farther than the principle of neutrality, since they state that the Conference "may not deal with political matters" (not merely controversies) "nor serve as a forum for political debate". This does not mean, however, that the Red Cross must be unconcerned by problems of excessive armament, torture, aggression or racial discrimination but rather emphasizes that it must show an interest without siding with one government or another so as to "continue to enjoy the confidence of all".

It will be observed that the reasons for this abstention are given in the principle itself: the Red Cross must not engage in political controversies because it cannot take sides and, at the same time, enjoy the confidence of all. It is also interesting to note that only two principles explain their aim: neutrality and independence, which, as we have seen, show that the Red Cross must remain independent so that it may at all times act in accordance with its principles. The other principles simply list the essential concerns of the Red Cross, without showing the need to justify them.

It should be mentioned that these basic concepts were fully appreciated in the Programme of Action for Peace, since it is emphasized therein that no condemnations pronounced by the Red Cross or its members may refer to a specific situation. On the other hand—and this is the compromise of the Programme of Action—it was agreed that the Red Cross might make a general condemnation of certain evils. Nevertheless, condemnation must clearly be used wisely and cautiously, even if it only refers to general evils.

Indeed, as is mentioned in the Programme of Action, the principal aim of the Red Cross is to give aid and not to blame. It may be feared that in reproving one thing after another a change may be brought about in the spirit of the movement and of its members. It is above all a question of mental attitude. Helping a suffering human being requires an open, alert, constructive state of mind, whereas a condemnation implies internal tension and a negative, even aggressive attitude, an undertaking to act against something instead of for someone.

It is true that the ICRC itself proposed, at the Bucharest Conference, a draft resolution, in which it asked the Red Cross to condemn torture. It would therefore be reasonable to wonder why it would hesitate to condemn political detention, for example. The reason is simple: even when torture is ordered or tacitly allowed at a high level, there is a person to person relationship between the torturer and his victim. Neither the orders of his superiors nor anything else can justify the act of the torturer, just as nothing absolves the soldier who finishes off a wounded person. In condemning torture, which, like racial prejudice, is a relationship between men, the Red Cross is therefore appealing to human conscience rather than to States. On the other hand, political detention—to give only an example—is a political act, decided upon by the State. It is natural for the Red Cross to try to alleviate the suffering of political detainees, but we deem it impossible for it to attack the reasons for their detention or its basic causes without entering the political arena.

There is another reason why Red Cross involvement in repeated condemnations of government deeds—even if referred to in a general way—may be feared. We agree with those who say “Protecting conflict victims is all very well, but wouldn’t it be better to prevent those conflicts?”. Of course it would !

But we feel that we have to make distinctions and determine who does what and how. Is the task of maintaining peace throughout the world not that of the United Nations ? Is it by condemnation that the Red Cross will make its most useful contribution to peace or is it in dealing with conflict victims, natural disasters or under-development ? Above all, could it do both for long ? If it were to become involved in activities outside its particular field of work, would it not run the risk of gradually losing its effectiveness and possibilities of action in areas where it is the only operative body ?

Frequent condemnation by the Red Cross would have the third disadvantage of establishing *de facto* a sort of black list of government offences. But the problem of any list is that what it omits is as important as what it contains, and the Red Cross would risk wasting its energy and endangering its cohesion in fruitless controversies over the contents of this list. Why, for instance, criticize political detention and not the violation of human rights ? We shall revert to this in a moment.

To conclude on this point: let us be moderate in our condemnations—if indeed we feel we have to condemn at all; otherwise we risk losing the moral force which we derive from the humanitarian work on which we are all agreed—more than from the resolutions over which we all too often argue.

The future

In one way we have already tackled the problem of the future, but we should like to go into greater detail.

The Commission on the Red Cross and Peace, whose task it is to see to the implementation of the Programme of Action, will shortly present its report, which we hope will be greeted with the same consensus as the Programme of Action from which it originated. Nonetheless, work still remains to be done and we think it would be a pity if the Commission's mandate were not extended. The Commission has had time to explore only half of the major themes mentioned in the Programme of Action, and one would like it to be allowed to complete its task. Moreover, the problems associated with the role of the Red Cross in the area of peace are sensitive and we think they might usefully be discussed in a small representative group before being brought before plenary assemblies.

But above all it should be remembered that even if views on what constitutes peace differ, there is nonetheless a peace dynamic. The world's greatest universal movement should not, either by not taking part or by hesitating, slow down this dynamic. Thanks to the Programme of Action, we have a basis accepted by all; let us not get worked up about its imperfections but let us rather strive for the achievement of its aim—in accordance with the spirit and principles of the Red Cross. As we thus get down to essentials, we draw closer together, like the spokes of a wheel converging towards its hub.

THE RED CROSS AND HUMAN RIGHTS

To speak of the Red Cross and human rights is easier than to talk of the Red Cross and peace. Indeed, whereas peace has been the subject of some forty resolutions (if those of the League are counted as well as those adopted by the Council of Delegates and the International Conference), human rights were the subject of only one resolution, entitled "The Istanbul Declaration" and adopted by the Twenty-first International Conference in 1969. In that declaration it is said, among other things, that "man has a right to enjoy lasting peace, that it is essential for

him to be able to live a full and satisfactory life founded on respect of his rights and of his fundamental liberty”, and that “this aim can be achieved only if human rights as set forth and defined in the Universal Declaration of Human Rights and the Humanitarian Conventions are respected and observed”.

The Declaration goes on to list those fundamental rights which appear particularly important to the Red Cross. In addition to non-discrimination in the “enjoyment of the benefits of contemporary civilization” and the affirmation of the rule of law, the Declaration insists on the human right “to be free from all fears, acts of violence and brutality, threats and anxieties likely to injure man in his person, his honour and his dignity”.

As far as we know, the only other mention of human rights in an International Red Cross Conference resolution was adopted by the same Istanbul Conference in which the Red Cross “calls for respect of the internationally accepted fundamental human rights of all persons and of all human societies”, and stressed the need to make greater use of information media to make those rights known.

There is, on the other hand, a field in which the Red Cross—and particularly the ICRC—has been greatly concerned about human rights, but without in fact saying so in so many words. That field is the protection of man against the absolute power of an enemy, particularly in the event of international and non-international armed conflicts, and also in situations occurring in internal disturbances and tension.

In armed conflict, the law of Geneva is applicable, but Mr. Jean Pictet has amply demonstrated in his writings that some human rights are in fact included in the law of Geneva, and vice versa.

Mr. Pictet has perceived three principles common to the Geneva Conventions and human rights, namely, inviolability (respect for life and physical and mental well-being), non-discrimination and safety (no collective punishment, legal safeguards, individual responsibility).

These common principles arise from the kindred aims of the fundamental principle of the law of Geneva—which requires that persons *hors de combat* and those taking no direct part in hostilities shall be respected, protected and humanely treated—and of the fundamental principle of human rights—which require that the individual will see at all times guaranteed the exercising of his fundamental rights and freedoms, as well as the conditions of existence propitious to the harmonious development of his personality.

Professor D. Schindler, in an article in International Review of the Red Cross in January-February 1979, very clearly showed the many and definite connections which had appeared, especially since the founding of the United Nations, between human rights and international humanitarian law. For lack of time, we cannot do more than refer readers to that article, but it is obvious that every time the Red Cross has concerned itself with questions relating to the development, dissemination and respect of international humanitarian law it has also, albeit indirectly and without saying so, concerned itself with respect for certain fundamental human rights. Only, when doing so, it has concentrated and limited its attention to the plight of the individual at the mercy of the actual or potential power of an enemy.

That enemy may be sometimes of the same nationality as the person in his hands, not only in the event of civil war but also during internal disturbances and tension. To protect and assist the victims of such circumstances is a humanitarian task which has been assigned to the ICRC by the Statutes of the International Red Cross.

Internal disturbances and tension have a general characteristic: the incarceration of certain categories of persons by the authorities. These persons have in common the fact that their actions, statements or writings are regarded by the authorities as constituting such opposition to the existing political system that they must be dealt with by depriving them of their freedom. The legal or material nature of the sanctions imposed may vary. They may be aimed at punishment, prevention, re-education or reintegration; they may be the result of a sentence imposed under the regular laws in force or by virtue of emergency laws and regulations; or they may be the result of an administrative measure of limited or unlimited duration.

While it does not state its views on the reasons for the detention of these persons, the ICRC is nevertheless concerned with the conditions of their incarceration. Experience has proved that even when the government of a country wishes to have its prisoners humanely treated, in many cases the conditions of their everyday existence in detention could and should be improved. Such detainees are treated as "enemies" by officials in direct contact with them and do not always have the practical possibility of making their grievances known to the national authorities who otherwise might be both able and willing to guarantee them decent and humane treatment. Under these circumstances, not only during the period of interrogation but afterwards as well—when the only security involved is that of the place of detention itself—ICRC delegates have had

many occasions to observe how far the situation of these persons falls short of what it should be.

The action taken by the ICRC in such circumstances consists in periodic and detailed visits by its representatives—all career delegates and of Swiss nationality—to the places of detention and persons concerned, followed by discussions at all levels with the detention authorities and ending with the sending of confidential reports addressed only to the detaining government. These reports, describing objectively and in detail the conditions of detention and containing specific suggestions for improvement, where appropriate, are not intended to be published. The ICRC confines itself to publishing the places and dates of the visits, the number of persons seen and the fact that the delegates have been able to talk to the prisoners without witnesses. It never comments publicly on the material or psychological conditions observed. It never gives its views—publicly or otherwise—on the reasons for detention. As occasion arises, the ICRC supplies material assistance to detainees, and even to their families, if there is need and if the authorities permit.

In order to provide effective protection, the ICRC delegates ask to see all persons detained as a result of the events, to talk freely and without witnesses with prisoners of their choice and to return to the places of detention as the needs require.

In their criteria for evaluation in these visits, the delegates take local conditions and customs into consideration, and the procedure, as a rule, leads to good results.

Furthermore, no State has complained to the ICRC that its security has been compromised by such visits or that the legal status of the persons visited has been affected by them. This is well worth pointing out since it was in 1919—sixty years ago—that the ICRC first assisted prisoners under circumstances other than those of international conflict or civil war.¹

There is no doubt that, through such action, the ICRC actively contributes to respect for human rights, even though its approach is more pragmatic than juridical and its efforts are never based on the Universal Declaration of Human Rights, or on the covenants and regional

¹ See J. Moreillon, *The International Committee of the Red Cross and the Protection of Political Detainees*, International Review of the Red Cross, November 1974.

agreements, but solely on the International Red Cross Statutes and its universally recognized right to take humanitarian initiative.

Still to be undertaken is a research that we have not had time to tackle, and which consists in examining—as Jean Pictet did for human rights and humanitarian law—the common denominators of the fundamental Red Cross principles and human rights.

However, we feel that in such an analysis certain obvious facts should be recalled, and this we briefly do here:

- first, the enjoyment of all human rights postulates a *sine qua non* condition, namely, peace;
- second, it is generally to attain or retain such rights that internal or international war is waged;
- third, the Red Cross is better equipped—especially juridically—to promote respect of humanitarian law in time of war than to safeguard human rights in time of peace; this shows how important it is to distinguish institutions created by the international community for the maintenance and safeguard of peace and human rights from other organizations with a specific object, such as our own.

THE FUNDAMENTAL PRINCIPLES OF THE RED CROSS

This is a theme about which we may be brief in spite of its immense importance, since Mr. Jean Pictet, has taken the trouble of not only working out the wording of the principles but also of commenting on them almost exhaustively.

In addition, our aim, as stated at the beginning of this exposition, was rather to use the fundamental principles as “sensors” in our analysis of peace and human rights.

There is, however, one point we would like to develop by way of conclusion, and that is the direct relation which, in our opinion, exists between respect for the fundamental Red Cross principles and the promotion of peace. We feel, indeed, that each of the seven principles, if implemented, contributes in its own way to spreading the spirit of peace in the world.

HUMANITY. This is the principle of peace *par excellence*, since peace is the main consequence of its respect. Does not concern for the suffering of others, its prevention and alleviation primarily entail refraining from inflicting it, and hence doing everything to prevent war?

IMPARTIALITY. This positive principle of helping others without discrimination reminds us that no distinction should be applied to people in distress. It is the negation of the feelings of superiority or inferiority, of difference and discrimination, which are at the origin of so many conflicts.

NEUTRALITY. War implies commitment. But neutrality implies a withdrawal, when confronted by a conflict; it is an indispensable condition for performing efficiently humanitarian action and creates a peace reflex by virtue of the refusal to commit oneself in controversies.

INDEPENDENCE. This is essential for respect of Red Cross principles. It enables that spirit of peace which is a prerequisite of genuine peace to reign in the hearts of the people who form part of the movement.

VOLUNTARY SERVICE. War too often seeks to take. The spontaneous and unselfish voluntary action to give help is a peacemaking reaction, for it is an act of abnegation.

UNITY. War sometimes threatens a country from within. The unity of the Red Cross within its frontiers is a factor for internal peace.

UNIVERSALITY. War does not take fraternity into account. But universality brings fraternity to mind and reminds us that the enemy is a human being like others. It is a decisive contribution to peace, for it demands the consensus of all people, to be a living reality.

We are certainly aware of the gulf between, on the one hand, the description of these principles and their links with peace and, on the other hand, the facts of everyday life which we witness in this world torn by strife. But the ICRC, which approaches present-day conflicts almost as closely as the combatants themselves, does not therein see only cause for pessimism. At all times and in the grimmest circumstances, there are also reasons for keeping hope alive.

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