

Certain aspects of human rights, plus the development of international penal law, are the subject of detailed studies. In particular we would mention the struggle against torture, which is of special concern to Mr. Haug.

Swiss foreign policy and neutrality are also analysed in their relationship to humanitarian work and the protection of human rights.

Finally, mention must be made of articles on two major subjects to which Professor Haug has already given much thought: the revision of the Statutes of the International Red Cross and the principle of the independence of the Red Cross.

This broad range of contributions penned by renowned experts from the academic world, by Swiss and foreign political figures and by leading people from the Red Cross and Red Crescent Movement provides a particularly rich reference work; it will be of use to all who are interested in the problems with which the law and the Red Cross must come to grips in the profound changes occurring in our times.

The Review

CHARITY BUSINESS

Money and dreams

Charity, like nostalgia, is no longer what it used to be. Good deeds have become a thing of the past—charity has become a question of marketing. Discretion is no longer fashionable: charity is show business!

The commercialization of humanitarian aid to the victims of conflicts and natural disasters, the determining role of the mass media and the recourse to modern administration and marketing methods are the main theme of the latest book by Bernard Kouchner, the founder of *Médecins sans Frontières* and presently honorary president of *Médecins du Monde*.*

But the author's consideration is much more ambitious. This great humanitarian soldier of fortune, "a crusader for charity", "a volunteer worker for solidarity" has spent twenty years at the scene of famine and war, "meeting others", as he is wont to say, from Biafra to El Salvador via Viet Nam and the Sahel. A man of action who thinks about what he is doing, he presents us with his thoughts on the Third World, famine in the world, human rights, humanitarian organizations, associations and their activities, and voluntary service. This has provided us with a rich, happily penned book, full of images and anecdotes, accompanied by observations forged from experience.

* Bernard Kouchner, *Charité-Business*, Le Pré aux Clercs, Paris, 1986, 274 p. FF. 89.

Moreover, like its author, the work is direct, generous, incisive and tender, idealistic and realistic, slightly provocative and always captivating. A master of his craft, Kouchner has the gift for ellipsis and the well-turned phrase. From the start, he gives the impression of a man of action who “does first things first” without claiming to change the course of history and especially without having any illusions about mankind. A humanist, he is ashamed of mankind. Minorities? He is on their side while being perfectly aware that they can become the oppressors. Human rights? “A constant struggle—even a reluctant one—to keep tuned into what others think, without expectations, thanks or medals”. Democracy? Imperfect but indispensable. The Third World? It “seems to be sandwiched between charity and exclusion”... “Manipulated, twisted, adapted to what its users want, the very concept of the Third World gives rise to mistrust or infatuation and remains singularly blurred”.

However, Kouchner refuses to moan about the fate of the world and, more specifically, that of the indigent countries. He is not out to create a revolution to change the course of events and refuses to categorize people into those in favour of the Third World and those against. He is indifferent to the claim that *charity* is right-wing and *solidarity* is left-wing!

Kouchner has chosen to be on hand where suffering calls, to speak out and attempt to find remedies along democratic lines. Although food aid and emergency medical aid are indispensable they are not enough. The remedy? Economic and social development, yes, but not by a single, stereotype approach imported from abroad; rather it should be a collection of various remedies adapted to the local situation and the needs of the people. It is not enough that help take the form of charity; it must help re-establish a country's natural harmonic balance and help the inhabitants to help themselves. The local farmers must be assisted in tilling their land by supplying them with water, tools, fertilizer, know-how, manpower and volunteer workers.

Selfless volunteer workers like Kouchner with no vested interests. The author has had occasion to gauge the worth of voluntary work and has devoted some very fine passages to the philosophy of giving. Examining the teachings of the Church, Christian ethics, the arguments of philosophers and liberal and Marxist notions, the author traces the development of the concept of charity from St. Paul's idea of charity based on love of our fellowmen to the idea of charity as a hard-headed business enterprise.

While paying fervent tribute to the work of many voluntary associations and to the spirit of solidarity which non-governmental organizations seek to encourage, Kouchner also reveals “the hidden face of charity”—“guilt-ridden charity” which takes the form of giving to the Third World or offering expiatory alms to victims of natural disasters and then hastening... to forget about them. Wars, natural disasters? It is up to the Red Cross, doctors and voluntary workers to help—that is what they are there for! Moreover, although aid in the form of donations may be first

and foremost a financial outlay in the expectation of an intangible return, "an investment of optimism and spirituality", such aid does not rule out the quest for power or attempts at buying it. This might explain the proliferation of humanitarian associations engaged in a kind of "charity war" heightened by the impact of visual shocks. Visual images create popular support for a cause (quite often unconnected with the importance of the event or its historical significance); the unbearable scenes ensure that the fund-raising campaign will be profitable.

Such fund-raising methods, says Kouchner, have become an irresistible trend which nowadays call upon the most sophisticated techniques (marketing, mailing, couponing, phoning); this gives rise to fierce rivalry amongst humanitarian associations and fuels "an aggressiveness which speaks volumes about the fragileness of kindly feelings". The verdict is harsh: woe betide the associations which have not accepted the law of the humanitarian market place. "Use the media or get out!"

A pessimist? Certainly not. It suffices to hear Kouchner speak of his comrades-in-arms, crusaders for humanity, the last of the romantics, "guilelessly dangerous, relentless in the pursuit of justice, capable of anything for the sake of others and all united in rejecting heartlessness". There are moments of tenderness when he touches upon the dangers of emergency missions in Beirut or El Salvador and when he pays homage to all those miracle workers, all the volunteers, young people, the jobless shunted off into early retirement and the pensioners who are presently flocking towards the humanitarian organizations.

And what activity can conjure up such visionary dreams as humanitarian work?

Kouchner shares with us his experience of the war in Biafra when he worked in emergency medical teams for the ICRC. He tells us why he was induced to speak out about the horrors he witnessed and how the idea came to him at that time to set up *Médecins sans Frontières*.

Hold one's tongue or speak out? That's the fundamental question in humanitarian aid. Should one remain silent when one's conscience is outraged? Or should one speak out at the risk of no longer being allowed to give aid? A fundamental question to which the author does not give a precise answer. Speak out, yes, because "certain atrocities cannot be left unspoken". But "it is not a matter of speaking out willy-nilly"! What matters to him is that non-governmental organizations, humanitarian associations—whether, like the Red Cross, they act jointly with governments, or act independently—repeatedly remind governments that they have a responsibility towards the victims of armed conflicts just as they have a responsibility to raise living standards. It is the author's hope that these associations, such as Amnesty International, the International Red Cross, *Médecins sans Frontières* and *Médecins du Monde*, will be sufficiently on the alert so as not to be taken over and become the tools of governments.

At any rate, he is certain that States will never be able to handle all aspects of life and that “people who show their solidarity through volunteer work will be manning the outposts for a long time to come”.¹

Jacques Meurant

HUMANITARIAN LAW AND INTERNAL CONFLICTS

The achievements of the Law

The adoption of Article 3 common to the four Geneva Conventions of 1949 was hailed as a great victory of the humanitarian spirit: for the first time positive law contained a provision which submitted a national phenomenon—internal conflicts—to international law and granted minimum humanitarian protection to the victims of such conflicts.

How was this success achieved? Who were its originators and architects? How did Article 3 stand up to the test of the new situations which emerged between 1950 and 1970? And what has been the contribution of Protocol II additional to the Geneva Conventions, relative to the protection of victims of non-international armed conflicts?

In her book *Droit humanitaire et conflits internes*,² Rosemary Abi-Saab attempts to answer all these important questions and to trace the origin and development of legal provisions relative to internal conflicts.

In effect, this entails nothing less than describing and analysing the historical and juridical process through which humanitarian principles have gained ascendancy over State sovereignty and, in some cases, arbitrary political action. The advance was slow and laborious, and the work itself was often cast into doubt by the great changes of our time. Its accomplishment testifies, however, to the efforts made by the ICRC, the International Conferences of the Red Cross and certain States to ensure that through a progressive codification of humanitarian principles, the greatest possible protection is given to the victims of all armed conflicts.

The first two chapters of the book deal with the inception and development of such legislation, from the nineteenth century to the adoption of Article 3 common to the 1949 Geneva Conventions. In those pages we discover Francis Lieber and Gustave Moynier, whose pioneering efforts were of crucial importance; a new light is also thrown upon the initiatives of National Societies such as the American Red Cross, which submitted a

¹ The author has attached as an annex a draft charter for the protection of medical missions. It suggests that the same protection be extended to the medical personnel of non-governmental medical associations as that granted in the Protocols additional to the Geneva Conventions to the medical personnel of Parties to conflicts and of National Societies. An interesting line of thought which might be examined in one of the forthcoming issues of the *Review*.

² Rosemary Abi-Saab, *Droit humanitaire et conflits internes—Origines et évolution de la réglementation internationale*, Henry Dunant Institute, Editions A. Pedone, Geneva, Paris, 1986, 280 pp., FF 120.