

The Fundamental Principles of the Red Cross

COMMENTARY

by Jean Pictet

(continued)

IV

INDEPENDENCE

The Red Cross is independent. The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles.

The statement in the Proclamation comprises three elements: the general principle of independence, the auxiliary quality of the Red Cross, and its autonomy in relation to public authorities. We shall deal successively with each of these three elements.

1. THE GENERAL PRINCIPLE OF INDEPENDENCE

The Red Cross is independent, the Proclamation states, in simple and lapidary terms. The statement of the conditions for recognition of new National Societies (Point 10) refers to *political, religious and economic independence*.¹

The reasons for Red Cross independence are so obvious that there is no need to discuss them at great length. Under the penalty of being something else than what it is, the Red Cross must be sovereign in its

¹ The General Assembly of the United Nations in Resolution 55 on 19 November 1946 encouraged member nations to assist the Red Cross Societies and asked that *their benevolent and autonomous character be respected at all time and under all circumstances.*

decisions, acts and words; it must be free to show the way towards humanity and justice. It is not admissible for any power whatsoever to make it deviate from the line established for it by its ideals.

This independence is also the guarantee of the neutrality of the Red Cross. It enables every Society to work in a community of spirit with its sister Societies. It is also essential, as we have seen, for the Red Cross to inspire the confidence of all parties. It must be able to bring together all people of good will and not exclude any particular groups. Independence therefore, though a derivative principle, is essential for Red Cross action.

The ICRC and the League have clearly asserted their independence in their statutes.¹ Some people have wondered whether there is a sound basis for this in the case of the League, in view of its multinational composition. In so doing they display a confusion which should be dissipated. When we refer to an association of any kind, we cannot speak of its independence in relation to its own members, due to the very fact that it emanates from them. In this respect, the ICRC does not differ from the League. Furthermore, an association only depends upon its members to the extent that they participate in its direction and management, within the framework of their statutory power. Apart from that, the fact that a National Society delegates one of its members as a representative at the General Assembly of the League or even its Executive Council does not give it the power to exercise a direct and preponderant power over the federation. Therefore, when we refer to the independence of an association we are thinking of its independence with regard to outside forces, in particular governments and intergovernmental organizations.

It is naturally in connection with politics, both national and international, that this independence must be asserted. We have noted that neutrality requires that the Red Cross institutions refrain from any involvement in internal or external politics. Reciprocally, to preserve their independence, it is vital for them to exclude firmly any intrusion of politics into their own sphere of action.

The Red Cross must also resist any pressure of a social or economic character. It cannot let any class, pressure group or even public opinion turn it away from the path defined for it by its objectives. Likewise, it

¹ *Statutes of the ICRC*, 1952, Article 1, paragraph 1.
Constitution of the League, 1977, Article 1, paragraph 3.

cannot tolerate any interference resulting from financial pressure, nor any divergence from its course that might be pressed upon it, even indirectly, by the giving or withholding of money. The fact that the work of the Red Cross depends mainly upon donations renders this condition difficult, but no compromise can be permitted.

If the Red Cross is lacking in material power, it is from this very weakness that it derives its true strength. States may rest assured that in a world dominated by self-interest there is at least one institution which escapes from that prevailing rule; that where opportunism and compromise are predominant, the Red Cross acts without any ulterior motive and provides no opportunities for intrigue; that in a world marked by hatred, the Red Cross is concerned only with human brotherhood.

Finally, and for the same reasons, the Red Cross cannot associate with any other institution which does not have absolute respect for its moral and material independence, for any deviation from this course would have fatal consequences. If the Red Cross co-operates with other humanitarian organizations, it is only on the condition that these institutions, in the common work, fully respect Red Cross principles.¹

2. AUXILIARY STATUS

Even though the auxiliary status of Red Cross Societies is mentioned in the Proclamation only in an incidental manner, noting that the Societies are *auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries*, and under a heading which does not use the word "auxiliary", this auxiliary status nevertheless constitutes one of the fundamental principles of the Red Cross. Because of it, the Red Cross is at one and the same time a private institution and a public service organization. The very nature of the work of the National Red Cross Societies implies co-operation with the authorities, a link with the State. Furthermore, as the Proclamation emphasizes, these Societies are subject to the law of the land; it could not be otherwise.

Under modern conceptions of social order, the general task of providing assistance to underprivileged individuals falls mainly upon the States, as the only entities having the necessary authority and sufficient resources to cope with undertakings of this magnitude.

¹ This condition is set forth in the Oxford Principles, Paragraph 12.

The Red Cross cannot take the place of the State; it can only make a contribution in proportion to its resources. This contribution is mainly in the domain of private charity and of individual initiative. It is in this way that it makes itself useful, and indeed indispensable. Even if the public authorities have powerful means at their disposal, they are not always in a position to assist all of those in need, especially if the latter belong to an opposition party or to an insurrectionary group, nor can they bring about the personal and human relationship between those who help and those who are helped, which is so enriching to all concerned. Furthermore, even the best equipped official agencies may be overwhelmed by exceptional events. Along with action by the State, there is therefore a need for spontaneous and disinterested action, in particular that of the Red Cross. For the Red Cross, this auxiliary status is an important but derivative principle, for this idea does not flow from the ideal objective of the Red Cross but is rather a practical consequence of the conditions under which the Red Cross works.

The National Societies are auxiliaries first of all of military medical services. In the beginning, they were created only for this purpose. Even though this is no longer their only task, nor even as a rule the major one, it still has great significance.

To become a member of the International Red Cross, a Society must first have been recognized by the government of its country as an auxiliary of the military medical services.¹ It is also because of this role as an auxiliary that the Red Cross Societies acquire a status under the provisions of humanitarian law, benefiting from the protection of the Geneva Conventions and gaining the right to display the emblem of the red cross. It is specified that the personnel of the Red Cross Societies are assimilated to the military medical personnel if they exercise the same functions and if they are subject to military laws.

This part of its mission is not the only one however, particularly when a Red Cross Society has transferred a substantial part of its energies to peacetime activities. Nowadays, in practical terms, as noted by the *Tansley Report*, the degree of co-operation with the State ranges from complete isolation to symbiosis, at least for certain services. The National

¹ In States which maintain no armed forces, the Societies must be recognized as auxiliaries of other public authorities carrying on activities for the benefit of the civilian population.

Societies have undertaken to operate civilian hospitals, schools for nurses, day nurseries, blood transfusion centres, etc. They have devoted themselves to a variety of social services, to the development of public health, rescue services for the victims of disaster; they train specialized personnel in these fields and set up institutions to care for invalids, see to the interests of detainees, orphans and in general of groups whose conditions are especially difficult or dangerous, such as seamen or miners. They are also concerned with health education, accident prevention and the prevention of drug, alcohol and tobacco abuse. In some countries they even take the place of virtually non-existent official public health services.

The *Tansley Report* pointed out that the National Societies excel particularly in the emergency phase of assistance, in which they have done much pioneer work and gained irreplaceable experience. They appear to be more at ease under such conditions than in long-term projects. In the field of public health, the Red Cross contribution is sometimes marginal, for the needs are enormous and the Societies work for the most part as specific needs arise and on a charitable basis, as we shall see later. If their actions are to have greater impact, they must be integrated to a greater extent into co-ordinated planning.¹

In all of these tasks, the Societies act as auxiliaries to the public authorities, whether they have received a specific mandate or even a monopoly from the State or, acting in a private capacity, relieve public agencies of duties the latter would otherwise have to assume.

As we see then, in carrying out their major functions, the Red Cross Societies give their humanitarian support to official bodies, in general having larger resources than the Societies, working toward comparable ends in a given sector.

Its auxiliary function is one of the special characteristics of the Red Cross which distinguish it from other charitable institutions. As Mr. Tansley noted, it gives the National Societies a privileged status of which they are not always aware and of which they do not take full advantage. It is true of course that some of these Societies fear encroachment upon their independence and neutrality. On their side, governments

¹ Adoption by the International Red Cross Conference in 1969 of a Resolution on *Principles and Rules for Red Cross Disaster Relief* marked an important advance in this respect.

may sometimes find it advantageous to “go through” their National Red Cross Societies to carry out relief activities, especially in foreign countries. In such cases, their gesture will not appear to be political and the costs will be lower, because of the presence of an existing infrastructure.

3. INDEPENDENCE FROM PUBLIC AUTHORITIES

We have seen on the one hand that the Red Cross must be independent and on the other hand that it is an auxiliary to the public authorities. Gustave Moynier, as early as August 1864, drew attention to *the difficulty of reconciling two things which seem to be mutually exclusive, to enjoy the freedom of action of a private charity and to submit to the requirements of military discipline.*

However, while the contrast between its private character and its link with the State is one of the particular characteristics of the Red Cross, this presents no insoluble problem. One cannot even speak of a contradiction between the two. What we can say is that proper functioning and satisfactory development of the institution depend upon a proper balance between these aspects. In this as in many other things, it is all a matter of proportion. In practical terms, the *Tansley Report* stressed that there is plenty of room for harmonious co-operation, particularly if we bear in mind that there are fields of activity, such as the teaching of the principles of public health, in which independence and neutrality do not have the same significance as they do in other fields.

The independence of Red Cross Societies in their relations with public authorities must be adequate. When can we say that this is the case, and how can we decide what degree of autonomy they must have? The Proclamation provides the answer and a perfectly satisfactory solution: when a Society has the autonomy it needs to enable it to act in accordance with the Principles of the Red Cross. If this condition is realized, the Society will be free in its decisions and remain true to itself. It will make sure that the voice of humanity is heard; it will act unselfishly and impartially; it will be open to all and in the service of all. It will be truly a constituent of the International Red Cross and be guided by universal standards.

The autonomy of the Red Cross will assure it of the confidence of the public, among those whom it assists and among those upon whom it

depends, which is a vital factor in the event of revolution or civil war. The very fact that the government is the voice of a majority and is inevitably subject to the influence of parties and factions implies that it must sometimes be partisan in its acts. A political body may be in a poor position to act unreservedly on behalf of the whole nation. The Red Cross however must reach out its hand to all human beings who suffer, even if the State does not care about them or excludes them from the national community. It is not permissible for the National Red Cross to be swept away by any change of the regime, at the very time when it is most needed. As an exceptional element of unity amidst discord, it must be able to serve as intermediary between brothers at war with one another.

In our time, when we see governments nearly everywhere extending their grip on society, we are forced to recognize that it will become more and more difficult for Red Cross Societies to maintain their autonomy. They must defend it however, with unceasing vigilance. If they were to become mere tools of officialdom, only in the service of government policy, why should they have a distinct identity?

Let us consider just what influence public authorities do have over the Red Cross, for this is a problem of present-day urgency. We may note first of all that the governments which recognize the Red Cross Societies and their representatives within their own countries participate on a basis of equality with the delegates of the same Societies at the International Red Cross Conferences, a fact which constitutes one of the most interesting aspects of our institution.¹ We should also note that governments have not made abusive use of their voting power. Next, as we have seen, personnel of the National Societies gives assistance to the military medical services, and to a degree is integrated into them, thus being *subject to military laws and regulations*.

National Societies also carry out other public service functions. For this reason, States grant them subsidies and other benefits, such as tax, customs and postage exemptions, exclusive rights, etc. The auxiliary relation calls for and gives legitimacy to close relations with public services, which is generally very beneficial for the work undertaken. But, since it is rare to receive a favour without having to pay for it, and

¹ It is regrettable, for obvious reasons of principle, for the head of the government delegation to be the same person who heads the delegation representing the Red Cross, but this sometimes happens, for reasons of economy.

nothing is given for nothing, the more generous the authorities are, the more inclined they are to insist on some right to oversee the operations. This may be carried out in various ways. In the simplest form, it consists only of a periodic inspection.

The State often exercises a more direct influence however. In many countries, the law requires that the statutes of the National Society must be subject to the approval of the government. The government may then reserve certain posts of leadership in the Society for its own nominees, and in some cases the head of State chooses the President of the Society. It is more common for the public authorities to intervene in the make-up of the governing bodies, especially the Central Committee, or to have representatives of ministries sit on such bodies *ex officio*. There are some countries in which the State reserves a majority of the places on such bodies for itself, which must be regarded as abnormal. In most cases however, the solution is a reasonable one which the ICRC and the League consider acceptable, with the government having something less than half of the votes.

The statutes do not however reflect the whole reality. It may be, in a Society in which the government names a number of members of the Central Committee, that these members are then free to act as they see fit. The opposite situation may also occur, in which a Society whose statutes show no apparent State interference may nevertheless be exposed to indirect pressures which, in fact, make it subject to State authority.

In any case, the best assurance of autonomy for the Society is in the democratic structure of its organization and freedom in recruiting. We should bear in mind that such a democratic structure is required by the International Red Cross.¹

It is especially important that effective expression be given to the predominant wishes of its members; that the general assembly should possess certain powers, including in particular that of electing the executive committee or at least the majority of its members. The personalities of the leaders also play a major role; if they are people of authority and independence, they will be able to create a certain impression upon the public authorities and make them understand the basic requirements of the institution.

¹ See the Oxford Principles, Paragraph 9.

Finally, when a government asks the National Society of its country to carry out for it a public service activity and the Society agrees to do so, it becomes an auxiliary of the government, but does not for that reason cease to be itself—an independent body with its own status, obeying its own principles and displaying an emblem which symbolizes the entire institution and its ideals.¹

This means that in carrying out its governmental mandate, the Society will continue to work in accordance with the principles of the Red Cross, as embodied in particular in the Proclamation.

Since social welfare work in our time is constantly expanding, imposing increasingly heavy responsibilities upon the State, it is understandable that the latter should tend to assume a more direct and more authoritative relation with its agents. This is manifested by more precise and detailed legislation, by more highly developed planning and by more exacting control procedures. Such increasing interference may create certain problems and may even involve conflicts with the National Society. It is important that the responsible public authorities, in the directives they lay down, take into account the special status of the National Red Cross and leave it a certain degree of freedom in carrying out its mandate.

For its part, the National Society, before accepting a specific task, will be well advised to examine carefully the conditions under which it will work, in order to make sure that it will be able to accept the assignment without compromising the application of these principles.² Every time, for example, that the social welfare work in question is too intimately involved with politics, it will be advisable for the Society to stay clear of it.

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(To be continued)

¹ The First Geneva Convention (Article 44, paragraph 2) authorizes the National Societies to use the red cross emblem in peacetime for their activities *which are in conformity with the principles laid down by the International Red Cross Conferences*. The same criterion is maintained in the 1977 Protocol I, in Article 81 relating to Red Cross activities.

² It would be useful to undertake a study of the implications which the Principles of the Red Cross would have in carrying out social welfare projects and to ascertain precisely what limits a Red Cross Society should place on its co-operation.