

Human rights as perceived by the founders of the Red Cross

by André Durand

I. Introduction

Red Cross doctrine and human rights doctrine have gradually converged, revealing spheres of activity and formal research common to both. It may be interesting to consider to what degree the idea of protection of human rights was present in the minds of the founders of the Red Cross, and how their original purposes were extended until they included some basic aspects of protection of the human individual.

This development, this extension of Red Cross and Red Crescent activity, took place in stages, often under the impulsion of the great wars of this century or of changes in political systems. But Red Cross ideology as its founders saw it already included some features of protection of the individual. Although they deliberately chose a limited goal, directing their efforts specifically to the amelioration of the condition of the wounded in armies in the field, they were concerned with larger issues than mere reform of army medical services. The history of their devoted efforts shows that their activities contained in embryo something that in the course of time has made Red Cross law one of the constituent elements of the body of human rights.

Historically, the protection granted to the wounded and sick in armies in the field did not refer explicitly to any general code of laws on human rights. Rather did it explore practices which were hitherto tacit, founded on customary rules not yet codified to the extent of becoming permanent international legal standards. In protecting the wounded, and consequently protecting hospitals and ambulance personnel, the authors of the Resolutions of the Conference of October 1863, and of the Geneva Convention of 22 August 1864, were trying to ensure that they should enjoy rights considered unquestionable in principle but not easily applied in wartime conditions. They thereby affirmed that certain human rights were imprescriptible and recognized them as permanent; this was attested by various provisions:

— by forming voluntary relief societies, they affirmed that care for the wounded was not solely a government responsibility but was dictated by the public conscience;

— they proclaimed certain basic principles of human rights, namely the right to life and physical integrity, respect for the individual, and equality of treatment.

By instituting this law, by introducing into positive law ideas until then considered as belonging to ethics or as decisions dependent on circumstance, they prepared the ground for codification of human rights. Thus—

*“The decisive impulse to this general trend was given by the Geneva Convention of 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field. It expressed with clarity this idea of generally applicable human rights, since it compelled the High Contracting Parties to treat equally their own wounded and those of the enemy.”*¹

By granting the wounded and sick special protection in circumstances in which the right to kill was temporarily and exceptionally recognized, the first Geneva Convention therefore protected certain specific human rights:

*“Human rights represent the most general principles in humanitarian law, whose laws of war are only one particular and exceptional case, which appears precisely at times when war restricts or harms the exercising of human rights.”*²

*
* *
*

Living as they did in a society whose intellectual and religious opinion favoured humanitarian enterprise, and which was able to put it into practice, the founders of the Red Cross were well fitted by their outlook and interests to lay the first stone of what became the foundations of humanitarian law. Henry Dunant was inspired by the idea of the brotherhood of man, and so naturally inclined to an international view. Gustave Moynier was an active philanthropist. Together they at once gave the Red Cross Movement what has made it unique and strong, namely charity underpinned by law.

¹ Dietrich Schindler, “The International Committee of the Red Cross and Human Rights”, *International Review of the Red Cross*, (IRRC), No. 208, January-February 1979, p. 4.

² Jean Pictet, “The Principles of International Humanitarian Law”, *ICRC*, Geneva, 1966, p. 12.

At that time ideas and declarations relating to what we would call “human rights” principally concerned civil and political rights. From the beginning the Red Cross deliberately distanced itself from politics by taking action at international level, action not directly concerned with relations between the citizen and the State. Nevertheless, the idea of protection of the individual in exceptional circumstances made the Red Cross, ever since its foundation an essential factor in the quest—which quickly spread throughout the world—for more general legislation on human rights.

I propose to consider in this paper how far the founders’ thought was directed by a general notion of human rights, and how it developed until this common goal led to joint research.

II. Henry Dunant’s approach

(a) The right to assistance and the duty of providing assistance

The two basic documents leading to the foundation of the Red Cross and of the law of Geneva, namely the Resolutions of the Conference of 1863 and the Geneva Convention of 1864, laid down rights and duties: the duty of assistance, accessible to all and based on voluntary service, which we may regard as a moral obligation; and the rights of victims, which were ensured by a diplomatic Convention.

The duty to provide assistance is a keystone of Henry Dunant’s thinking. He writes in the conclusions to his book *A Memory of Solferino*:

“Humanity and civilization call imperiously for such an organization as is here suggested. It seems as if the matter is one of actual duty, and that in carrying it out the co-operation of every man of influence, and the good wishes at least of every decent person, can be relied upon with assurance.”

Dunant regards the sense of duty as an instinct arising from the ideas of solidarity and humanity. He points to the ideas of humanity and civilization as the source of feelings that lead mankind to react against violence:

“Last of all—in an age when we hear so much of progress and civilization, is it not a matter of urgency, since unhappily we cannot always avoid war, to press forward in a human and truly civilized spirit the attempt to prevent, or at least to alleviate, the horrors of war?”

The words “humanity” and “civilization” recur constantly in Henry Dunant’s writings, as essential constants of his thinking.

That same idea of humanity is now the first of the Fundamental Principles of the International Red Cross and Red Crescent Movement. Its wording³ is a bridge between the origins of the Red Cross and its present magnitude, which enables the Red Cross to cover a great part of human rights.

Dunant does not exactly define the word “*civilization*” but clearly he does not use it to mean advances in technology. On the contrary, he contrasts what he calls “*true*” or “*veritable*” civilization with uncontrolled scientific progress. Much later, in a passage denouncing the evil effects of technical and material progress, he condemned the misuse of science to produce more effective weapons of destruction. He contrasted “so-called civilization” with “true civilization and progress”. His idea of true civilization came from a spirit of humanity; doubtless he meant by it a reasoned partnership of science and justice in a State founded on law.

(b) The abuse of force against the weak

Henry Dunant’s thinking appears to be wholly directed by the aim, expressed by him in the programme of the Universal Alliance for Order and Civilization, of “*eliminating or attenuating the abuse of force against the weak*”.⁴ This was his reaction against injustice and his idea of human dignity. It was doubtless always his driving force; seen in this light, his innumerable activities are an untiring crusade for human rights. It is true that, having founded the Red Cross, he resigned from the International Committee in 1867 and took no further part in its work; but his efforts to establish certain human rights are inseparable from the Red Cross, in as much as they situate the latter in an orderly system for the protection of the individual, and some of his aims can be found among the present-day objectives of the International Red Cross and Red Crescent Movement.

(c) Slavery

Henry Dunant’s first denunciation of slavery appears in la *Notice sur la Régence de Tunis*, published early in 1858, this before his efforts to help war victims. He reaffirmed his opinions in the programme of

³ “The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours—in its international and national capacity—to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.”

⁴ «La Conférence de Londres en 1875» in *La Croix-Rouge, Bulletin belge de l’Alliance universelle*, Vol. III, No. 3, September, 1875, p. 54.

the *Universal Alliance for Order and Civilization*, which he founded in Paris in 1871. He later took part in the work of the International Anti-Slavery Committee, representing the *British and Foreign Anti-Slavery Society* and the *Universal Alliance*, and published a memorandum which he described as his third against the slave trade and slavery, proposing to reaffirm the 1815 Vienna Declaration and the 1822 Verona Declaration on the abolition of slavery. Dunant was a pioneer in this domain, which was explored after the First World War by the League of Nations, but not by the Red Cross.

(d) Prisoners of war

The protection of prisoners of war, which is very much a Red Cross function, was a matter first addressed by Dunant in 1867 and taken up by him again at the Congress of the Universal Alliance in 1872. Here again is a domain directly involving human rights, admittedly not relations between the citizen and his government, but the individual's basic rights in circumstances in which his state of captivity makes their full application impossible. At the suggestion of Henry Dunant, the 1872 Congress of the Universal Alliance proposed that a diplomatic Conference on the protection of prisoners of war should be convened. It never met, but the plans for it inspired the 1874 Brussels Conference.⁵

(e) The Swiss League of Human Rights

Henry Dunant's constant concern for human rights showed in particular in 1898 when he hit upon the idea of founding a Swiss League of Human Rights. He drafted its statutes, composed of seven articles, and sent them to Th. Sourbeck, Secretary General of the Union of Employees of Swiss Transport Enterprises. Sourbeck's interest was aroused; he congratulated Dunant on his excellent idea which, he said, was "*worthy indeed of the founder of that great humanitarian idea, the Red Cross*", and agreed to act as Chairman of the Executive Committee of the nascent society. Dunant's project was then published in Bern in the form of a prospectus dated April 1898, bearing Sourbeck's signature as "*Chairman of the Executive Committee of the Swiss League of Human Rights*." The first article of the League's statutes defines its objects as follows:

"The aim of the Swiss League of Human Rights is to uphold the principles of humanity, justice, equity, freedom, tolerance, brotherhood and true civilization, for any man, woman or child anywhere in Switzerland who might in any

⁵ See Y. de Pourtalès and R.-H. Durand, "Henry Dunant, promoter of the 1874 Brussels Conference", *IRRC*, No. 167, February 1975.

circumstances need its protection or moral support, irrespective of canton, religious belief or political opinion."⁶

The significance of this action can be understood only in the context of the times. Since 1894 France had been agitated and divided by the trial and conviction for treason of Captain Dreyfus. Public opinion in France and other European countries had taken sides violently for or against the sentence. Prominent among the protesters was Emile Zola, whose article "J'accuse", vehemently denouncing the iniquity of the verdict, appeared in the newspaper *L'Aurore* of 13 January 1898. The eminent writer was later prosecuted and sentenced.

A number of French politicians and publicists then decided to found an association or league to protect citizens' rights before the law. On 20 February 1898 in Paris they agreed to found the *Ligue des droits de l'Homme et du Citoyen* (League of Human and Civil Rights), and drew up its statutes.⁷

From his retreat in Heiden Henry Dunant took care to remain abreast of political and social events, and was especially interested in the Dreyfuss affair. He drew a parallel between his own fate and the injustice inflicted on Captain Dreyfus. Dunant probably knew of the plan to found the French League of Human and Civil Rights, for his own draft incorporates several characteristic expressions and sentences, and indeed a whole article, that appear in the French draft. He may have had it brought to his notice by newspaper articles or by one of his correspondents, realized its importance and adopted it at once, publishing his draft after the preparatory meeting in Paris on 20 February, but before the official foundation of the French League of Human and Civil Rights on 4 June 1898.

Dunant may have got the idea from the French draft, but he carefully elaborated on it and adapted it to the special circumstances prevailing in Switzerland. He added to its general ideas a list of ways in which an individual can be persecuted, from which we may easily infer his own resentments. He saw that the differences in legal systems and the glaring legislative anomalies between the Swiss cantons could

⁶ The printed prospectus (Bibliothèque publique et universitaire, (BPU), Geneva, GF 410) reproduces the manuscript draft (Bibliothèque nationale, Bern, Ms Lq 13 No. 7) with minor variations. A facsimile reproduction of the manuscript appears in the *International Review of the Red Cross*, No. 103, October 1969, as an appendix to an article by Paul-Emile Schazmann, "The Flame of Charity, letters from Henry Dunant to Dr. Emil Jordy", pp. 571-582. See also the same author's "Droits de l'homme, contre l'arbitraire administratif et les préjugés populaires: un inédit d'Henry Dunant", in *Journal de Genève*, 5-6 October 1968, p. 18.

⁷ See Henri Sée, *Histoire de la Ligue des droits de l'Homme*, Paris, 1927. The text of the draft statutes appeared in *L'Aurore* of 1 April 1898.

impede the full application of human rights, and so anticipated the unification of Swiss penal law which, although already begun at the time, was not completed until 1937. He introduced into his statutes protection for foreigners, and looked forward to development on an international scale through correspondence between national committees, just as the Resolutions of the Geneva Conference of October 1863 had made provision for the exchange of correspondence between national committees of relief societies.

Dunant's plans do not appear to have led to any concrete result. The Swiss League of Human and Civil Rights was not formed until 1928, apparently independently of Henry Dunant's initiative of 30 years earlier.

(f) Dunant's campaign for peace

As a logical corollary of his tireless exploration of all the ways in which freedom or personal integrity were threatened, Dunant came to attack violence in its most flagrant form, war. The pacifist activities of the author of "*A Memory of Solferino*" are outside the scope of this paper, but in 1901 his services were recognized by the award of the Nobel Peace Prize.⁸ Dunant's collaboration with the Leagues for Peace, his public speeches in favour of peace and disarmament at The Hague Conference of 1899, and his letters to the newspapers made him an eloquent champion of peace in the second half of the nineteenth century. What he condemned was not only the death and destruction caused by war, but its violent coercion of mind and soul that could drive a man from the path of duty. He wrote that the exactions of war are fatal to freedom, brotherhood and family affection, he condemned as "Nimrodism" the despotic militarism that does away with human identity "and in the end crushes all noble individuality under the weight of unbridled despotism decked out in the colours of the common good".⁹

Henry Dunant did not make these efforts for peace through the Red Cross which he had founded; but he himself said that in making them, and in formulating the principles of the Red Cross, he was moved by the same impulse—his horror of war and his determination to limit its effects and ultimately abolish it.

⁸ See André Durand, "The development of the idea of peace in the thinking of Henry Dunant" (Actes du Colloque Henry Dunant 1985, *De l'utopie à la réalité*, Collection Henry Dunant, No. 3, Société Henry Dunant, 1988), and *IRRC* No. 250, January-February 1986, pp. 16-51.

⁹ Henry Dunant, *L'avenir sanglant*, manuscript, BPU, Geneva, Ms. fr. 4538, p. 12.

III. Gustave Moynier's approach

(a) Looking for principles

The International Committee for Relief to the Wounded did not immediately seek the backing of an ideology, although an ideology was implicit in its early activities. Its objects were immediate and practical: to bring about an international convention for the protection of the wounded and sick in time of war, and to make army medical services more effective by attaching volunteer helpers to them and extending the protection of the convention to those services.

No sooner were these objects attained—in their first version—than it became clear that they should be supplemented and supported by elaborating a doctrine, and by general principles that would enable the good work to be carried on without straying from the path first traced for it.

Gustave Moynier proceeded in several of his works to examine the principles which in his view directed Red Cross activities. The basic idea, the idea that implies that human rights are one and indivisible, is the unity of the human race, an idea not unanimously accepted in the second half of the nineteenth century. From it several essential principles naturally follow; they are brotherhood, universality, charity, equality and non-discrimination, all of which he looked upon as the foundation of Red Cross ideology.¹⁰

These principles embody the ideas applicable to human rights, but apparently the principle of material liberty was not adopted although it came first in the Declaration of the Rights of Man and of the Citizen of 1789. It was not adopted because the Red Cross was venturing on to a terrain where people are deprived of some or all of their power to decide for themselves. The exigencies of the conduct of war, or of wounds and captivity, reduce them to a state in which their freedom is obstructed or annihilated. In such circumstances it becomes necessary to safeguard such humanitarian principles as can survive in a state of dependence.

(b) The common law of humanity

Gustave Moynier considered that there was such a thing as primordial law, a common law of humanity older than contractual rules and founded on the axiom that the human person is inviolable. In his "*Essai*

¹⁰ See A. Durand, "Quelques remarques sur l'élaboration des principes de la Croix-Rouge chez Gustave Moynier", in *Etudes et essais sur le droit international humanitaire et sur les principes de la Croix-Rouge*, en l'honneur de Jean Pictet, ICRC, Martinus Nijhoff Publishers, The Hague, 1984, pp. 861-873.

sur les caractères généraux des lois de la guerre” (Geneva, 1895) Moynier shows the universality of this primordial law as follows:

“The laws which now concern us are invariably intended to mitigate the evils of war by abolishing rigours that are not effective means of constraint; but the acts they prohibit do not all denote the same degree of depravity in the persons committing them. Some of these acts are revolting because they infringe what are usually known as ‘humanitarian principles’, meaning the primordial law justly called ‘the common law of humanity’ or, more simply, human law.” (Pillet, *Revue générale de droit international public*, vol. I, p. 13; quoted by G. Moynier)

“The implication of that last adjective is that anyone can claim these prerogatives as human beings, and that their opposite is everything that deserves to be called inhuman.

“No civilized nation would dare to dispute this doctrine, although it is not always put into practice. It rests on the axiom that except in cases of force majeure the human person is physically and mentally inviolable; and axioms are truths that well up from regions beyond the reach of our understanding, where our souls are moulded.

“The resulting law, primitive though it is, is anything but natural law, for it was not revealed until very late in history. It not even passed into law until long after it was first glimpsed. (...) Only in two or three domains has it been recognized as valid, whereas it should regulate all reciprocal relations between those who are at once its subjects and its objects”.

Gustave Moynier regards this law as “absolute and universal”, representing what is now called the hard core of humanitarian law:

“Once it is regarded as expressing mandatory rules everywhere, the dignity of every individual requires him to obey it in all circumstances. It would be inadmissible to plead, as an excuse for breaking this law, that an unscrupulous or backward adversary had set a bad example. In any international, civil, colonial or other war, to render evil for evil against the dictates of consciences is to betray a sacred duty.”

(c) The Institute of International Law

Gustave Moynier realized from the events of the Franco-Prussian war of 1870-1871 that the humanitarian law then in force was insufficient to moderate the belligerents’ excesses and that a specialized organization of experts in international law should be founded to enlarge the scope and authority of the laws of war and submit suggestions for their improvement to governments. His ideas were endorsed by Gustave Rolin-Jaequemyns, Director of the *Revue de droit international et de législation comparée* and later Belgian Minister of the Interior, and Professor J.-G. Bluntschli, the author of the authoritative “Modern law

of war for civilized States”.¹¹ Together with these eminent jurists, Gustave Moynier founded the Institute of International Law in Ghent on 10 September 1873.¹²

Gustave Moynier wrote: “*The foundation of the Institute of International Law, as a new factor for its development, marked the dawn of a new era for international law. It was a sort of cosmopolitan volunteer Parliament, forcing its opinions on nobody but formed carefully enough to enjoy a great technical reputation and be regarded as the official spokesman of the legal mind. A lever such as this had hitherto been lacking to resolve the frequent conflicts arising between States, and it was possible to hope that the day would come when it would gratefully be used to bring peace in social crises.*”

In 1894, Gustave Moynier was appointed Honorary President of the Institute of International Law which was awarded the Nobel Peace Prize in 1904.

In 1878, at the proposal of Professor Bluntschli, the Institute of International Law appointed a committee to examine to what extent provisions of national legislation corresponded to the 1874 Brussels draft of the laws of war, and to prepare a standard handbook of those laws. As Rapporteur of the Committee Gustave Moynier summarized its work in a substantial report, the “Manual of the laws of war on land” (the “Oxford Manual”), which the Institute of International Law adopted at its session held in Oxford from 6 to 10 September 1880.

The *Manual* was translated into several languages and was frequently quoted at the 1899 Conference in The Hague. The Swiss Federal Council asked Gustave Moynier to attend this Conference as a delegate, but he was unable to do so because of poor health.

Through his work with the Institute of International Law, Gustave Moynier was thus able to enlarge the scope of his research for the protection of the human person against indiscriminate violence. The Geneva Convention already protected members of the armed forces no longer taking part in the fighting; Moynier’s work added restrictions on ways of waging war, and protection of the civilian population by the laws of war.

(d) The rigours of war and international law

In his efforts to promote humanitarian law Gustave Moynier also considered how war could be abolished, for ever since the Red Cross

¹¹ “Das Moderne Kriegsrecht der zivilisierten Staaten, als Rechtsbuch dargestellt”, Nördlingen 1866.

¹² See Dietrich Schindler’s article on Jean-Gaspard Bluntschli, Paul Ruegger’s article on Gustave Moynier and Jean J. A. Salmon’s article on Gustave Rolin-Jaequemyns in the *Livre du Centenaire (1873-1973)* of the Institute of International Law (S. Karger S.A., Basel, 1973).

was founded the question had been asked whether war was not recognized as legitimate by codifying the conduct of combatants, and whether it would not be more in the interests of humanity to outlaw war completely.

Gustave Moynier examined this seeming contradiction and attempted to resolve it in an article dated October 1892, which appeared in the *Deutsche Revue* of December 1892 under the title "Die Härten des Krieges und das Völkerrecht". There was not yet any such thing as the law of The Hague; the only laws in force were the Geneva Convention of 22 August 1864 and the St. Petersburg Declaration of 16 November 1868. In the preamble to his article Moynier wrote:

"I should like to say a few words about this fact, which is characteristic of our times, while leaving aside charitable works such as those of the Red Cross, which originated from the same momentum of compassion. These generous undertakings developed in parallel with the applications of the law of nations and most usefully supplemented them so as to attenuate the disastrous effects of hostilities, but they constitute a different kind of palliative and should be assessed separately.

*"Our subject confronts us with a problem that consists in reconciling two incompatible factors: a material fact, war, which whatever one may think of it, is still likely to break out often in the world; and a moral feature, the awakening of a collective conscience of humanity, which, becoming increasingly sensitive, has at last realized that war must be seen as a disease to be got rid of. By a sort of compromise, this incompatibility has led to a mixed situation: war has been tempered by the adoption of a few not very bothersome restrictions. They are not enough to satisfy the philanthropists, but help them to possess themselves in patience in hope of better days. Obviously, this is an illogical and unstable situation. In my view, it will change by gradually eliminating violent means for the settlement of international disputes; but I must not anticipate the conclusions of this study, which is best begun by a brief outline of the present state of the law."*¹³

After summarizing changes in the law of war between 1863 and 1880 and mentioning the question of penalties for violating that law, Gustave Moynier predicted the future course of opposition to war in these terms:

"The work begun by the social reformers of the nineteenth century, in so far as it concerns palliatives to be applied to the evils of war, is thus still unfinished. For the moment it has come to a halt, but I fervently hope it will be resumed as soon as circumstances of any kind occur to make the questions it raises again of

¹³ From the original French manuscript "Les rigueurs de la guerre et le droit des gens".

immediate importance. New international conventions will be concluded and will trace more precisely the bounds which everyone already implicitly agrees should not be overstepped, and it will also be recognized that greater concessions can be made to the advocates of humanity. But we must not expect this to go on indefinitely. The programme drawn up when this movement began requires the elimination of means of causing excessive harm not necessary to victory, but goes no farther. Whatever the degree of benevolence in deciding what is excessive and what is not, there will always come a time when violence is committed—absolutely inevitably, for there can be no war without bloodshed.”

Moynier went on to consider the argument that mitigating the horrors of war could encourage resort to war, and categorically rejected it. He took the opposite view that the regulation of war is an irreversible movement that should normally lead to the abolition of war:

“Once we confess that some of the methods belligerents use to defeat each other are unnecessary, and once we resolve to prohibit them, there is no turning back. We say we will go no farther than necessary. How far is necessary? Who is to judge this, the soldier or the moralist? Gradually but inevitably, shall we not have to ask ourselves whether it is really necessary to massacre thousands of men to restore harmony between two States, and whether just causes could not triumph by gentler methods more in accordance with the brotherly spirit that everyone boasts of possessing? There is no avoiding this question; the fact that it has been asked proves this, and is enough to topple the great argument of those who support war, namely that it is inevitable.

Does it not seem that the best way of bringing war into disrepute would be to apply to every episode the test of reason guided by charity, as when laws are made on this subject? For conscientious and sincere people at least, that test is more persuasive than pathetic homilies; it is the best way to convince them of the flaw in practices which, although widely acquiesced in by superficial judges, stand convicted when philosophical examination reveals their true nature. When that happens, people at last understand that although these practices have been followed for time immemorial there is no effective means of putting a stop to them, and conscience clamours for redress.

Particularly when I consider these consequences, far off though they still are, the social significance of drawing up laws of war seems to me no less considerable than beneficial, and I associate myself with those who regard the signing of the Geneva Convention as a memorable event because it marks the beginning of a new era, at the end of which humanity will be spared the great evils from which it is still suffering.”

IV. Between the two World Wars

Thus, by the time the two great founders of the Red Cross died (Moynier on 21 August 1910 and Dunant on 30 October of the same

year), it was clear that human rights ideology and international humanitarian law were pursuing similar aims in totally dissimilar ways. Dunant laid the foundations of several human rights movements; however, although he saw this activity as a natural corollary of the ideas that had inspired him ever since he wrote "*A Memory of Solferino*", and although he considered himself the repository of the Red Cross ideal, he launched these new initiatives from outside the institution he had created. Moynier, on the other hand, whilst recognizing some human rights elements in the work of the Red Cross, was careful to restrict its activities to the protection of war victims, lest he should dissipate the efficacy of the young organization.

The ordeals of the First World War led to a new approach to the question. The Geneva Conventions, the ICRC and the National Societies proved their worth; the wounded and sick, and by bilateral agreements prisoners of war, were protected as far as was possible in that bitter struggle. It became clear, however, that this protection would be incomplete, and even be at risk, unless the whole question of human rights were reconsidered, without losing ground. The League of Nations then became the symbol of this renascent will to ensure peace through international solidarity and to endow humanity with a collective conscience.

The time had come for the ICRC and the National Societies to adapt themselves to a new conception of international relations and to unite in building a better organized world from which war and devastation would be banished. The National Societies then joined in a federation, the League of Red Cross Societies (now the League of Red Cross and Red Crescent Societies). By expanding and unifying their peacetime programme the League and the National Societies prepared themselves for work with implications for certain human rights—the right to health, the right to assistance in case of destitution, natural disaster or famine, and the right to education.

(a) The Appeal for Peace of 1921

The first joint venture by the ICRC and the League was the *Appeal for Peace* of 19 July 1921. This was the first manifestation of an enterprise in which the Red Cross became more deeply involved. The Appeal was based on a belief in human rights, for it said:

"It is essential that the human mind should once more be open to the broad lines of an internationalism which, while allowing the citizen to love his town and the patriot his country, teaches all men to respect the existence and the rights of their fellows, by bringing into the daily life of the individual the light of a justice which is to be in all the world for all the time."

The Red Cross made this appeal in an attempt to efface the scars left by the war in the moral sphere and persuade nations to forget their enmity with other nations, without a head-on confrontation with the nationalistic feelings still rife after the return of peace. It was intended primarily to pour oil on troubled waters, leaving the political problems of collective security and abolishing war to the League of Nations.

(b) Declaration of the Rights of the Child

Soon after the end of the First World War the ICRC also participated in the Declaration of the Rights of the Child (the “Geneva Declaration”) which may be regarded as the first international proclamation of human rights.

The credit for initiating the Declaration of the Rights of the Child belongs to the British philanthropist Eglantyne Jebb, founder of the Save the Children Fund. Wishing to put that Fund on an international basis, Eglantyne Jebb interested several ICRC members in her plan. With ICRC sponsorship and the co-operation of the *Comité suisse de Secours aux Enfants* she founded a joint organization known as the *Union internationale de Secours aux enfants*, whose statutes were adopted on 6 January 1920 in the very room of the Palais de l’Athénée in which the first Red Cross Congress had taken place in 1863. The ICRC was one of the founders, together with the Save the Children Fund and the *Comité suisse de Secours aux Enfants*.

To ensure that her life’s work would endure and spread, Eglantyne Jebb then drew up, in consultation with the ICRC, a five-point declaration proclaiming the right of the child to material and spiritual development, subsistence, health, education, protection, relief, apprenticeship and brotherhood.

On 26 September 1924 the Declaration of the Rights of the Child—the Geneva Declaration—was adopted by the League of Nations. Its revised version of 1948 formed the basis for the ten-point Declaration of the Rights of the Child adopted on 20 November 1959 by the United Nations.

(c) Greater protection for victims

Thereafter, the International Conferences of the Red Cross and the League Assemblies issued constant reminders of the part to be played by the humanitarian movement in strengthening the spirit of peace.¹⁴ The XIth International Conference (Geneva, 1923) declared that Red Cross work for peace went back to the origins of the Movement:

¹⁴ See Jacques Moreillon, “The fundamental principles of the Red Cross, peace and human rights”, *IRRC*, No. 217, July-August 1980, pp. 171-183.

“The Conference ... expresses the desire that the Red Cross assert itself on all occasions as a symbol of peace, believing that this concept is not at variance with the ideal of the founders of the Red Cross but is in complete harmony with the spirit and tradition of the institution.” (Resolution VII)

Thereafter, strengthening the spirit of peace was repeatedly the subject of resolutions of International Conferences of the Red Cross—Resolution XIV of the XIIIth Conference (The Hague, 1928), Resolution XXV of the XIVth Conference (Brussels, 1930) and Resolution XXIV of the XVth Conference (Tokyo, 1934).

The last-named resolution affirming that:

“The Red Cross, without losing sight of its usual wartime and peacetime activities, must exert every effort, within the sphere of its attributions, to prevent war,”

expressed the hope that all National Societies

“... will amplify their action against war and in favour of a better understanding between nations by every means at their disposal.”

However, in the last few years before the war nobody could regard appeals for peace as anything but disillusioned rhetoric. The wars that ushered in the World War—the Sino-Japanese war, the invasion of Abyssinia, and the Spanish Civil War—had begun. There could be no doubt that war was imminent, that preparations for it had already been made, and that the only uncertain thing about it was the date of its outbreak. The ICRC was therefore careful not to neglect its first duty, the protection of war victims. The Geneva Convention of 27 July 1929 relating to the treatment of prisoners of war granted captives protection that in some respects concerned human rights. It also contained provisions relating to the right to work and to a limited extent a right of complaint or petition.¹⁵

The ICRC also attempted to bring about international agreements covering categories insufficiently protected by The Hague Conventions—the limitation of aerial warfare, protection of the civilian population against aerial bombardment, the protection of non-defended localities, and lastly, hospital and safety zones. It made particular efforts to obtain a convention relating to the condition and protection of civilians in enemy or occupied territory (the Tokyo Project). But its voice went unheard.

¹⁵ See René-Jean Wilhelm, “Le caractère des droits accordés à l’individu dans les Conventions de Genève” *IRRC*, No. 380, August 1950, p. 561.

V. The present situation

The ordeals and excesses of the Second World War demonstrated the need to oppose total war, which can turn every individual into either an active participant in or a victim of the conflict, with a total law able to protect any person, irrespective of the classifications hitherto imposed by the rules of war. New ideas then came into being that led to considerable advances in human rights legislation, in parallel with the increase in the scope of the Geneva Conventions and of the guarantees offered by them.¹⁶ The most important of the new instruments were the United Nations Universal Declaration of Human Rights (1948), the four Geneva Conventions of 12 August 1949, the European Convention on Human Rights (1953), the two International Covenants of 1966 on Economic, Social and Cultural Rights and Civil and Political Rights, the American Convention on Human Rights (1969), the two Protocols Additional to the Geneva Conventions of 12 August 1949, adopted by the Geneva Diplomatic Conference on 8 June 1977, and the African Charter on Human and Peoples' Rights (1981).

These developments illustrate the complementary character of the various legal instruments which at present provide improved protection for the individual in the innumerable domains in which human rights are threatened by extortion and excesses. The resolutions of the United Nations Conference on Human Rights (Tehran, 1968, Resolution XXIII) and of the XXIst International Conference of the Red Cross (Istanbul, 1969, Resolution XIX), and the proceedings of the two World Red Cross and Red Crescent Conferences on Peace (Belgrade, 1975 and Aaland and Stockholm, 1984) have clearly shown the similarity of purpose of human rights legislation and the law of Geneva. The principles distinguishing humanitarian law are considered as "*a minimum applicable at all times, in every place and circumstance, and valid even for States which may not be Parties to the Conventions*".¹⁷

At this point we leave the historical period with which this paper is concerned. Since the Second World War the problems of protection of the individual in innumerable matters relating to belligerency, economics, labour, development, and political and social organization have become much greater. At present, studies of the general problem

¹⁶ See Jean-Georges Lossier, «La Croix-Rouge et la déclaration universelle des droits de l'homme», *RICR*, n° 364, April 1949, p.259 and Dietrich Schindler, "The International Committee of the Red Cross and Human Rights", *IRRC*, No. 208, January-February 1979, pp. 3-14.

¹⁷ Jean Pictet, *Humanitarian Law and the Protection of War Victims*, A. W. Sijthoff, Leiden, Henry Dunant Institute, Geneva, 1975.

of human rights have turned to pluralist analysis of the connections and tensions governing relations between the individual, the State and society. The various institutions of the Red Cross world (the ICRC, the League, National Red Cross and Red Crescent Societies and the Henry Dunant Institute) are developing and systematizing the aims of the founders of the Red Cross by co-operating, each in its own special sphere, in researching and applying the rules defining the rights and duties of humanity. Details of their collaboration and an account of their research on the subject can be found in the working document entitled “The Red Cross and Human Rights”, prepared by the ICRC in collaboration with the Secretariat of the League of Red Cross and Red Crescent Societies for the Council of Delegates meeting held in October 1983.¹⁸

André Durand

André Durand, a former delegate-general at the ICRC, has published *History of the International Committee of the Red Cross—II. From Sarajevo to Hiroshima*. He is the author of a number of articles on Henry Dunant and on the history of the Movement, several of which have been published in the *Review*.

¹⁸ *Council of Delegates*, Document CD/7/1, Geneva, August 1983. See also Sylvie Junod “Droit international et droits de l’homme”, a paper presented to the First Seminar of International Humanitarian Law, National University, Institute of International Public Law, Buenos Aires, May 1981.