

# The meaning of the word “humanitarian” in relation to the Fundamental Principles of the Red Cross and Red Crescent

by Jean-Luc Blondel

## 1. The Red Cross and Red Crescent: a practical approach

It has rightly been said that the International Red Cross and Red Crescent Movement does not stand for any specific philosophy or moral doctrine.<sup>1</sup> Neither the fundamental principles nor international humanitarian law (IHL) provide a methodical interpretation of human nature or an inventory of the moral rights and obligations of the Movement's members. The Movement adheres to no particular ideology or political system. On the contrary, its universality enables it, with varying degrees of success, to adapt to or even influence various political regimes or tendencies in order to promote humanitarian aims. This ability can be attributed in particular to its respect for the principle of neutrality.

Seen in this light, the principle of neutrality is a positive factor. By refusing to identify with any ideology, religion or philosophy, the Movement remains free to serve the cause of all humanity everywhere. Our century in particular has witnessed too many tragedies resulting from blind adherence to various ideologies. By holding itself aloof from ideology, the Movement remains open to all and respects everyone's liberty.

The principle of neutrality also stems from a desire to serve. To remain operational, the Movement must set its sights on reality and never distort the facts to fit prejudices and preconceived ideas. By refusing to imprison human beings at all costs in an all-embracing

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<sup>1</sup> Harroff-Tavel, Marion, “The doctrine of the Red Cross and, in particular, of the ICRC”, *Dissemination*, No. 2, August 1985, p. 7.

totalitarian system, it focuses attention on humanity and specifically on individuals in distress. Such an attitude is practical rather than philosophical or metaphysical and it is not always easy to maintain, since to a certain extent it entails suppressing questions about the causes of suffering, torture and war.

This, of course, is not a sign of indifference to suffering but a form of mental discipline which places the search for means of eliminating suffering above investigation of its structural, political and demographic roots. It calls for certain sacrifices; in particular, the Movement must refrain from denouncing those who are guilty of or responsible for acts considered unjust in order to give priority to action.

Red Cross and Red Crescent members do not, however, renounce thought and reflection, as clearly demonstrated by the Movement's contribution to the development of IHL. This very contribution demonstrates the Movement's determination to focus on seeking practical means of limiting human suffering.

## **2. The “humanitarian” aspect of international law**

Throughout its history, the Red Cross has championed and expanded what Pictet defined as “the formidable struggle which has been carried on from the very beginning of human society between those who wish to preserve, unite and liberate mankind and those who seek to dominate, destroy or enslave it”.<sup>2</sup> This assertion, although somewhat dualistic, is nevertheless correct.

It is no doubt pointless to wonder whether humanity faces greater threats now than it did in the past. The threats hanging over us today are real and considerable, and human suffering is widespread. From the ethical point of view, humanitarian motivation is not contingent on the degree of suffering or the number of people who are tortured or otherwise made victim. A single person tortured or reduced to starvation is already one too many. The Movement, by caring for the individual (although it also assists large groups and even entire populations), shows that its work consists in defending every man, woman and child, for human dignity is irreducible.

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<sup>2</sup> Pictet, Jean, *Development and Principles of International Humanitarian Law*, Martinus Nijhoff, Dordrecht, Henry Dunant Institute, Geneva, 1983, p. 5.

Although the word “humanitarian” rarely appears in the 1949 Geneva Conventions and their 1977 Additional Protocols, its meaning in this context may be inferred from a careful reading of those instruments. Some articles are particularly relevant. Article 3 common to the four Conventions provides that persons taking no active part in the hostilities shall be “treated humanely”. The *Commentary* on this article correctly points out that it would be dangerous and well-nigh impossible to give an exhaustive definition of humane treatment. The expression must be understood in the spirit in which the Conventions were written, that is, as stated in the *Commentary* on Article 9, one that values “human life, and peace between man and man”.<sup>3</sup>

It is interesting to note that the *Commentary* considers conflict victims as individuals. A soldier is normally identified in terms of his uniform, i.e., his nationality, but once he has been wounded or taken prisoner, he must be regarded first and foremost as a person. The legal provisions making up the Conventions thus express the moral imperative to help the destitute, the wounded and the sick.

Elsewhere, in the same spirit, the *Commentary* defines a humanitarian institution as one which focuses on “the condition of man, considered solely as a human being without regard to the value which he represents as a military, political, professional or other unit”.<sup>4</sup> Indeed, humanitarian work may encompass a wide range of activities as long as these are agreed to by the parties in conflict.

IHL is, one might say, minimalist. It aims to ensure the survival and subsistence of at least civilians and persons no longer taking an active part in hostilities. The rules concerning National Societies (Geneva Conventions I, 26; II, 25; IV, 30, 63, 142; Protocols I, 81; II, 18) provide that the humanitarian activities of these and similar Societies “must be impartial and may not compromise military operations”. Therefore “Societies authorized to exercise relief activities must submit themselves to any security rules imposed upon them, and may not use their privileged situation to collect and transmit political or military information”.<sup>5</sup>

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<sup>3</sup> Pictet, Jean, ed., *Commentary*, Vol. I — *The 1949 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, ICRC, Geneva, 1952, p. 111.

<sup>4</sup> *Ibid.*, p. 108.

<sup>5</sup> Sandoz, Y., Swinarski, C., Zimmermann, B., eds., *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, Martinus Nijhoff, Dordrecht, ICRC, Geneva, 1987, p. 945, para. 3337 (on Art. 81 of Protocol I).

The right of initiative which the ICRC is entitled to exercise in the humanitarian field is legitimate, under the Conventions, only if it is used to accomplish tasks determined, but also restricted, by the three criteria of humanity, independence and neutrality.<sup>6</sup> The ICRC's Statutes (and Article 5 of the Movement's Statutes) state that its mandate is and must remain humanitarian, that is, must conform to the spirit of the Geneva Conventions with respect to protection.

Humanitarian law provides protection against acts or threats such as:

- hostage-taking;
- indiscriminate attacks;
- torture, ill-treatment, mutilation, murder;
- disappearances, death threats;
- deportation, genocide.

Without enumerating the provisions for the protection of war victims contained in the Conventions, their general thrust can be summed up by stating that a humanitarian activity is one which provides victims with the following services:

- nutritional and material relief (food, clothing, shelter);
- medical assistance (it should be noted that medical activities must, under Article 16 of Protocol I, be compatible with medical ethics, which are themselves based on specific legal provisions);<sup>7</sup>
- protection against arbitrary detention and summary judicial procedures;
- visits, interviews without witnesses, moral support;
- contacts with family members, tracing of missing persons;
- repatriation, family reunification;
- meeting various cultural needs such as education (reading and writing materials).

The International Court of Justice, in “Nicaragua vs USA”,<sup>8</sup> defined

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<sup>6</sup> Sandoz, Yves, “Le droit d’initiative du Comité international de la Croix-Rouge”, *German Yearbook of International Law*, No. 22, 1979, p. 368.

<sup>7</sup> Torelli, Maurice, *Le médecin et les droits de l’homme*, Berger-Levrault, Paris, 1983.

<sup>8</sup> See article in this issue by Professor F. Kalshoven, “Impartiality and Neutrality in Humanitarian Law and Practice” (p. 516 and notes 1 and 4).

as “humanitarian” any aid in the form of food, clothing or medicines as opposed to arms, munitions or other supplies capable of causing damage or death. But the Red Cross and Red Crescent principles define not only *what* is to be distributed, but also *how* and *why* it is to be distributed. To be humanitarian, assistance must be given impartially and without interfering with the conduct of hostilities.

Aid in the form of medicines or food supplied to an armed group reflects a partisan position, which is forbidden to the Red Cross and Red Crescent as a matter of principle. Impartiality, neutrality and independence on the part of the donor (ICRC, League, National Societies) are essential if the assistance given is to qualify fully as humanitarian.<sup>9</sup>

Humanitarian concern is not confined to the law. It extends far beyond the legal framework wherein it is applied to situations of conflict. The Conventions and Additional Protocols provide only a minimum degree of protection (in practice even this constitutes a maximum which, sadly, is often not attained). The Red Cross must therefore occasionally take further steps to relieve or prevent human suffering. However, to invoke “strictly humanitarian reasons” in persuading belligerents to support a measure that is in the interest of the victims but is not covered by the Conventions in no way casts doubt on the latter’s humanitarian nature; it merely points to the broad potential of the institution’s work.

This work is guided by the Movement’s general ethical commitment to relieving human suffering in conformity with its fundamental principles. In time of peace and social tranquillity as well, although it is concerned with all human problems, the Movement concentrates its efforts where its specific skills and efficiency are recognized (health and social welfare, emergency situations, acting as an auxiliary, etc.).

Humanitarian work is naturally not restricted to the relief of suffering; it also seeks to prevent it. The promotion of peace through education and the strengthening of solidarity among nations, in particular, are essential commitments in the struggle to protect humanity, a goal to which the Red Cross and Red Crescent, and other institutions to an equal and often greater extent, contribute. While each has its own speciality, emphasis should also be placed on

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<sup>9</sup> See article in this issue by Marion Harroff-Tavel, “Neutrality and Impartiality — The importance of these principles for the International Red Cross and Red Crescent Movement and the difficulties involved in applying them” (p. 536), which explains this point in greater detail.

complementarity and co-operation since all these bodies share the common goal of promoting human welfare.

Without actually defining the word “humanitarian”, IHL, like other branches of law, makes clear its aims, which are to ensure respect for human life and to promote health and dignity for all. It is concerned with men and women for their own sake, setting aside weapons, uniforms and ideologies, men and women who could very well be ourselves.

Thus whatever we would wish for ourselves we should also wish for others; no matter how great the gulf which divides us from them, we all belong to the same family of man.

Several studies have attempted to isolate the essence or core of humanitarian law, that is, a minimum set of rules which should be respected at all times.<sup>10</sup> These studies reflect the same concern for treating human beings as the highest priority and protecting their irreducible dignity, which no circumstance should be allowed to impair. The study of human rights pursues the same aim.

### **3. Humanitarian law and human rights**

Humanitarian thinking does not form a separate branch of the political or social sciences, a body of principles on an equal footing and consequently in conflict with political action. Concern with humanitarian ideals, as with human rights, is rather a view, an approach to life and human activities, particularly in times of tension, which attaches paramount importance to human life and dignity. The humanitarian point of view is not a conflicting but a complementary one. In the face of political and social institutions and struggles, humanitarian thinking rejects the idea of fatality, of “events taking their course”, of (so-called) inevitable constraints. It steps in to temper the reason of state and to introduce, when necessary, a sense of humanity.

In the political arena, whether national or international, the humanitarian point of view naturally faces a world that is already organized and fraught with conflicts, divergent interests and fixed opinions. Moreover, that world is already furnished with a set of values and standards propagated by various groups, institutions, legislative systems, etc. The humanitarian approach does not mean turning a blind

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<sup>10</sup> See in particular the articles by Theodor Meron and Hans-Peter Gasser in the issue of the *International Review of the Red Cross* devoted to internal disturbances and tension (No. 262, January-February 1988).

eye to the existence of conflicts, differences of opinion, hatred or oppression; it simply seeks to introduce in such situations certain values (respect for life and human dignity, solidarity, relief of suffering, etc.) generally known to and accepted by the belligerents, but pushed into the background by their passion for the cause they are defending.

Human rights, which pursue the same goal, have been formulated in various ways and the debate concerning their origin and foundations is far from closed. One thing, however, is clear: human rights are rooted in the conviction that man is invested with a special, intangible dignity. This puts politicians to the test by confronting them with the incontrovertibility of that dignity. Political order presupposes but does not create man's liberty and humanity.

This liberty and this humanity transcend manipulation by institutions or political movements. However, it would be naive to think that manipulation, lies and disruption do not occur. Our argument is based on a different premise, namely, the irreducibility of human dignity despite the existence of injustice, violence and torture. It is on this basis that humanitarian law and human rights law seek to defend humanity against arbitrary treatment, blind violence and cruelty.

Certain basic humanitarian standards must be preserved at all times. By establishing a minimum threshold (e.g., Article 3 common to the four Geneva Conventions, Article 75 of Protocol I), IHL guides the work of the ICRC and other components of the Movement in situations of conflict, but a concerted effort must also be made to protect humanity in times of disturbances and tension and even in peacetime (when this implies only that the guns are silent). The rights of children, minority groups and prisoners of opinion cannot remain a matter of indifference to the Movement, although careful consideration must naturally be given in each individual case to the specific contribution that can be made to protecting those rights.

#### **4. The ethic of dialogue**

The International Red Cross and Red Crescent Movement strives to prevent and alleviate human suffering. To relieve suffering is the ultimate ethical motivation underlying the commitment of all Red Cross and Red Crescent volunteers. Every refugee, torture victim and abandoned child serves as a vivid reminder of the grim toll already taken by history. To care for the victims, and for them alone, is to refuse to accept suffering as legitimate in any circumstances.

Human rights and humanitarian law address intolerable experiences such as abandonment and torture, and cannot be identified with the claims of any one individual or culture. They reflect a universal concept of humanity which no amount of wrongdoing or violence can suppress.

Human rights and humanitarian law do not belong to any particular individual, ethnic group, social class or geographical region, but unite all human beings in the struggle for dignity and liberty. These values, abstract as they may seem, are branded on mangled bodies and enshrined in texts intended to limit and, if possible, to prevent further suffering. The work carried out by the Movement, and by many others, represents a struggle against nihilism and defeatism, a rejection of violence and a commitment to respecting others and ensuring that every human being receives the care and attention he or she needs.

The universality of humanitarian work, which transcends national considerations to focus on the human condition rather than human nature, reflects the universality of suffering. The notion of humanity is inseparable from those of unity, universality and solidarity (from the Latin word *solidus*, meaning solid, whole).

In western cultures, the concept of “humanitas” goes back to the Greek sophists who believed that the use of reason was mankind’s distinguishing feature. This belief was adopted by the Roman stoics, particularly Cicero, who contrasted *homo romanus* with *homo humanus*, the cultured and moral human being. For Cicero, the contrast was no longer between Romans and Barbarians, but between humanity and inhumanity.

The humanitarian approach is neither to dream of perfection for mankind nor to despair of its imperfection, but to avoid judgement and condemnation, while seeking to assist human beings here and now, to ensure that their lives and decisions reflect and promote humanity, and to improve the conditions that govern their existence.

As already pointed out, the Movement’s principles constitute neither a moral doctrine nor a philosophy in the strict sense. Without elevating its convictions to a metaphysical postulate, it can be said that the Movement aspires to a rational and carefully weighed position. Instead of violence, selfishness and narrow-mindedness, it encourages discussion aimed at identifying the specific conditions necessary to preserve and, if possible, enhance man’s humanity.

The humanitarian ethic emphasizes communication and discussion aimed at reaching compromise and consensus. It entails the constant renewal of this process, which is in itself profoundly ethical since its very flexibility testifies to the liberty and humanity that it seeks to preserve. But this ethic also stands for a conviction, namely, that



recognition must be given to every human being's right to exist, to not be arbitrarily deprived of life and to enjoy conditions enabling him to make the most of his life. Deceit and contempt are intolerable since humanitarian thinking derives from close attention to the needs of others and requires mutual trust, without which life would be impossible.

This ethic can be discerned, as we have said, in the modern surge of interest in human rights. A "humanitarian policy" entails rational *discussion*, in itself as important as the decision to which it leads. Dialogue not only fosters a better understanding of oneself and others; it also helps us to assess the humanitarian challenge and escape from the chaos of selfishness and fanaticism.

The humanitarian approach therefore consists in *persuading* political decision-makers to take into account and protect certain values (such as care for victims and solidarity) whenever other interests would lead them to ignore or neglect such considerations. To render political acts more humane is one of the fundamental objectives of the International Red Cross and Red Crescent Movement's humanitarian mission.

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