Co-operation and Relations of the National Societies with one another and with the International Committee of the Red Cross and the League in time of peace and in time of war

Report

by the International Committee of the Red Cross

(Under Item XV of the Agenda of the General Commission)

No. 13 A Geneva, May 1948
Co-operation and Relations of the National Societies with one another and with the International Committee of the Red Cross and the League in time of peace and in time of war.

Under this heading, the International Committee will deal more especially with questions having reference to time of war, on account of the problems raised by the recent World War and the lessons which may be derived from it for future use. Questions which may arise in time of peace will be dealt with under other items of the Agenda of the present Conference, except those that have already been settled by resolutions of previous International Conferences.

It will be recalled that, as the result of a proposal by the Yugoslav Red Cross, the XVIth International Red Cross Conference (London 1938) directed the International Committee and the League jointly to convene a small Committee, to study the possibilities of co-operation between Red Cross Societies in time of war.

This Commission, including representatives from the American, Belgian, Dutch, French, German, Swiss and Yugoslav Red Cross Societies, and those of the International Committee and the League, met in Geneva from January 17 to 19, 1939. It made a certain number of proposals or recommendations.

The war, which broke out soon after, was the means of making contact more frequent between the National Societies and between the Societies and the International Committee; this contact was, however, often complicated by problems which could not have been foreseen.

When the war was at an end, the International Committee judged it wise to take up once more the texts of the proposals of the 1939 Commission, and to submit them to the Preliminary Conference of 1946, in order to examine to what extent they had been applied during the War and how far they should be confirmed or modified for the future. After a comparison had been made between the recommendations and proposals of the 1939 Study Commission and the experience gained during the war, several resolutions were drafted. In so far as they are not dealt with under other items of the Agenda, they will be examined below. The Preliminary Conference added to these several others, prompted by war conditions.
The resolutions of the Preliminary Conference which it will be appropriate for the Committee to deal with under Item XV of the Agenda of the General Commission, (and which are included in the "Report on the Work of the Preliminary Conference of National Red Cross Societies for the study of the Conventions and of various problems relating to the Red Cross", pp. 112 et seq. and pp 129 et seq.) are as follows:

Chapter II: Co-operation of National Societies in Time of War, resolutions:

1) Relations between National Societies of Enemy Countries, (p.112)

2) Possibility for neutral National Societies to further relations between the Red Cross Societies of belligerent Countries (p.113).

3) Red Cross Branches remaining in territory occupied by the Enemy. (p.115).

(Resolutions No 4, Relief Activities by neutral National Societies in behalf of Red Cross Societies of belligerent States, and No 5, Co-ordination of Relief Activities of neutral Red Cross Societies in behalf of Belligerents, are included in Item II of the Agenda of the Relief Commission).

Chapter V: Relations of National Societies with the International Committee of the Red Cross, resolutions:

2) Activities of the International Committee in various countries (p.129).

3) Relations between the International Committee and National Red Cross Societies in occupied countries (p.130).

4) Delegations of the International Committee abroad, and Delegations of National Societies to the Committee (p.131).

(Resolution No 1 of this Chapter: Facilities to be granted to the Red Cross, is included under Item VII of the Agenda of the Legal Commission).

As rule, in all matters concerning the Committee's relations with the National Red Cross Societies during the second World War, reference should be made to the General Report of the Committee, Vol. I, Chap. VI.
A. CO-OPERATION OF NATIONAL SOCIETIES IN TIME OF WAR

1. Relations between National Societies of Enemy Countries.

The Preliminary Conference adopted the following text:

The Commission adopted, with an amendment, the text drafted in 1939 by the Study Commission appointed by the Sixteenth International Red Cross Conference:

"The Commission considers essential that relations between National Societies of friendly or adverse States be developed, and that, in any case where such relations cannot take place direct, the International Committee of the Red Cross shall continue to act as intermediary.

"The Commission urges that the League and each of the National Societies, according to their means, give whole-hearted support to this measure."

Co-operation amongst National Societies of adverse countries was infrequent during the war of 1914-1918, and still more so in the second World War, despite the recommendation made by the Study Commission of 1939. The International Committee holds that, even if direct co-operation between National Societies of enemy countries seems difficult to carry out, the principle of convening conferences which would bring together representatives of these Societies should nevertheless be again put forward. The Committee is always ready to serve as an intermediary for this purpose, although circumstances did not allow it to call such conferences during the recent War.

After having studied the part which the League and the National Societies respectively might be called upon to play in promoting the co-operation so generally desired, the Preliminary Conference reverted to the text of the proposals of the 1939 Study Commission, giving it some additional strength and adding the last section, as quoted above.

The International Committee proposes the adoption of this Resolution, to read in its final form as follows:

"The XVIIth International Red Cross Conference considers essential that relations between National Societies of friendly and enemy States be developed and that, in any case where such relations cannot be on a direct footing, the International Committee of the Red Cross shall continue to act as intermediary."
The Conference urges that the League of Red Cross Societies and the National Red Cross Societies shall give wholehearted support to this measure, each according to their means.

2. Possibility for neutral National Societies to further relations between the Red Cross Societies of belligerent Countries.

The Preliminary Conference proposed the following text:

"The Commission considers that it is the duty of neutral National Societies to facilitate the relations of Red Cross Societies of belligerent countries among themselves, at the request of such Societies.

"The International Committee of the Red Cross shall be kept informed of action undertaken in this field. The assistance of the League in such circumstances is available to the International Committee, if required".

"Furthermore, the Commission recommends that the League should create a special Committee during war-time, which shall maintain contact between National Red Cross Societies".

With one amendment and one addition, this text represents that of the Study Commission of 1939, which had already emphasized how valuable the intervention of a Red Cross Society of a neutral country could be, and the need for obtaining co-ordination of the efforts made. Experience has shown since then that National Societies of neutral countries might in fact do very useful work in this field.

The modification in the text of 1939 consisted of deleting the reservation made as regards authorization by the Governments concerned, and previous consultation of the International Committee. Some considered that this reservation might meet with difficulties in practice, or raise unnecessary complexities in administration; the Preliminary Conference confined itself to asking that the International Committee be "informed" of any action taken. The addition consists of paragraph 3, in full.

This Resolution calls for no special comment. It derives from, if it is not indeed a repetition of, the preceding Resolution. The International Committee has no objection to its adoption, at least as regards paragraphs 1 and 2. It does, however, propose in the drafting to replace the words "neutral National Societies" by "National Societies of neutral countries".

As to paragraph 3, the occasions and possibilities of putting it into practice are not clear to the International Committee,
but it is prepared to accept the views of the League and the National Societies, who are alone concerned.

3. **Red Cross Branches remaining in territory occupied by the Enemy.**

   The text proposed by the Preliminary Conference reads as follows:

   (a) The Commission endorses the resolution voted at the XIXth Meeting of the Board of Governors of the League, as follows:

   "If an Occupying Power abolishes a duly recognized National Red Cross Society, the Executive Committee of the League shall meet forthwith to examine the circumstances of this dissolution, and shall take every possible and appropriate step in the matter and issue an appeal to the conscience of the world".

   "The same procedure shall be followed if, in consequence of the total or partial occupation of a country, the Occupying Power interferes in the administration of the Red Cross of the occupied country, or in any way impedes the Society in the pursuit of its aims, or replaces it by a puppet Society".

   (b) The Commission further draws the attention of the League to the necessity of studying, in co-operation with the International Committee of the Red Cross, the best means of safeguarding the funds belonging to National Societies in occupied countries.

   (c) The Commission recommends that the International Committee of the Red Cross, either independently, or, if circumstances require, in consultation with those members of the League who are accessible, shall take all steps considered possible and useful in order to respond to the appeal of a National Red Cross Society in occupied territory, both in view of safeguarding its funds and of protecting its staff.

   (d) The Commission affirms that it is the duty of the Red Cross of the Occupying Power to intervene with its own Government to ensure the existence and activities of the Red Cross of the occupied country.
With due foresight, the Study Commission of 1939 had recommended "that the Red Cross Society of the Occupying Power should use all its influence with its Government to safeguard the existence and operation of local branches remaining in the occupied country, and to give opportunities for the pursuit of their humanitarian work".

This recommendation was in general neglected during the second World War: the effects were such that the National Societies, the International Committee and the League were one in their wish to find a solution as satisfactory as possible to this problem, which is still alive at the present moment. For this reason, the Preliminary Conference adopted as it stood the Resolution voted on by the XIXth Meeting of the Board of Governors of the League at Oxford, which is reproduced under Point (a) of the above resolution.

On Point (a) the International Committee has no comment to make. This is a decision of the Board of Governors which is entirely within its competence.

Several National Societies, however, pointed out that this text, taken by itself, did not cover all the problems; nor did it provide against the contingencies revealed in recent experience. Moreover, it was pointed out that in a World War, the League would not always be able to take action. After long discussion, the Preliminary Conference supplemented this first resolution by (Points (b), (c) and (d) in this order.

Point (b). Some National Societies had their funds confiscated by the Occupying Power. The question therefore arises, and this was put forward by the French and Dutch Red Cross Societies, of finding some legal provision which would make a repetition of such incidents impossible. The Preliminary Conference had no solution to propose; it did however draw the attention of the League to the need for studying this problem jointly with the International Committee, which is ready to co-operate fully in making such a study. This could be carried out only by experts in international law, by reason of the legal problems which would of necessity be raised by the various measures planned. Point (b) should therefore be referred to the Legal Commission, which will deal with it under Item VII of its Agenda: "Legal Protection of the National Societies in relation to an Occupying Power".

Point (c). This deals not only with provision against any inroads on the possessions of a National Society, but with the case of such a Society appealing for help to safeguard its funds or even to protect its personnel, in default of the legal means referred to under Point (b).

The International Committee is aware of its duties concerning the safeguarding of funds. The task of protecting the personnel comes rather within the province of the League, which
at Oxford appointed itself the guardian of the integrity of National Societies. The International Committee would, however, be ready to study any appropriate action in response to appeals from National Societies of occupied countries, the personnel of which found itself threatened. During the recent War, the Committee was in some instances able to protect certain Red Cross officials. It cannot be denied that this is a very difficult problem. Experience has proved how easy it is for unscrupulous people to shelter under cover of the Red Cross in order to carry out activities which have no connection with it, and the Committee had to call in "identity cards" which it had issued, because they were put to improper use. In this field, as in that of the safeguarding of funds, the greatest freedom of judgment must be left to the Committee, and to the members of the League, whom it would consult at need as to the timeliness of its intervening and the form this intervention should take, and as to the choice of measures considered advisable and possible to carry out.

Point (c) should therefore remain a recommendation only, as laid down by the Preliminary Conference. The Committee proposes to adopt it as it stands.

Point (d). This point does no more than take up again the recommendation made by the Study Commission in 1939, at the same time simplifying it and giving it additional force. The text is of capital importance. It proclaims the true spirit of the Red Cross and its universal character, and it would be advisable to maintain it. The International Committee feels that, in view of the importance of this paragraph and the fact that it is a statement of general principle, whereas other points refer to individual cases, its proper place should be at the beginning rather than at the end of the Resolution.

Taken as a whole, the International Committee therefore proposes the adoption of the above Resolution, with the following amendments:

Point (d), unamended, would become Point (a); 
Point (a), unamended, would become Point (b); 
Point (b), referred to the Legal Commission, would, if need be, form the subject of a separate Resolution; 
Point (c), would remain unamended.

It should here be recalled, as a matter of record, that the Preliminary Conference had adopted another Resolution, which by its purpose is similar to the one just examined. This is the resolution following upon a proposal by the Czechoslovak Red Cross Society, which reads (See printed Report, p.142):
"In case of dissolution or modification in the executive of a National Red Cross Society recognized by the International Committee of the Red Cross, the International Red Cross shall be previously notified and informed of the reasons leading to this step. No dissolution can take effect except after final decision by the International Red Cross".

In view of the legal problems which it raises, relating to limitation of the rights of a sovereign State and to giving the Red Cross something akin to a right of supervision over Government decisions, this draft Resolution goes beyond the terms of reference of the General Commission. It comes within the province of the Legal Commission, which will deal with it under Item VII of its Agenda: "Legal Protection of National Societies in relation to an Occupying Power".

B. RELATIONS OF NATIONAL SOCIETIES WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

1. Facilities to be granted to the Red Cross.

   As mentioned above, this Resolution comes under Item VII of the Agenda of the Legal Commission.

2. Activities of the International Committee in various countries.

   The Preliminary Conference unanimously adopted the following resolution:

   "It is the opinion of the Commission - in which the International Committee of the Red Cross joins - that to the extent proper and possible, the International Committee should act in countries first only through the National Red Cross Societies, and in any event should inform each National Society direct of all their activities in its country, including their dealings with the Government or any agency thereof."
In the Papers submitted, the International Committee had recalled the considerable extension of relations between the National Societies and the Committee due to the war. After emphasizing the great advantage which these connections had been in carrying out the work done in common by the Red Cross for war victims, the Committee regretted that they had not been as close and continuous as it would have wished, but the events of war on such a scale had raised countless obstacles in the way of international relations.

Some National Societies were surprised that the Committee should be in direct and constant relationship with their own Governments, on a parallel with the connections which the Committee had with these Societies. Several delegates during the debates at the Preliminary Conference, expressed a wish that in general, the International Committee might act through the medium of the National Societies and keep them fully informed of the Committee's activities in their countries.

The Committee, both in its Papers and in the discussions, maintained the reasons for which it was bound to deal direct with the Governments:

(1) Part of the Committee's work in time of war, which derived immediately from the implementation of the Conventions, comes exclusively within the competence of Governments;

(2) The Committee undertakes treaty obligations in relation to the States regarding the working of the Central Prisoners of War Agency;

(3) The Governments themselves apply to the Committee in its capacity as neutral intermediary, in order to negotiate proposals of a humanitarian character with the enemy.

Moreover, the Committee stressed that, since its aim was to give practical aid, it had at all times to seek the means which promised to achieve its object in the quickest way.

These reservations were understood and accepted. The Committee, for its part, fully concurred in the wish of the National Societies that it should act through them in so far as this is in accordance with the overriding interests of the work of the Red Cross. The Committee is conscious of the advantage there is in stimulating the co-operation between the various agencies of the Red Cross, and is aware of the support which the National Societies are able to give the Committee in establishing the necessary relations with Governments, whilst allowing it the freedom which is sometimes imperative in the interests of the war victims themselves. It therefore proposes the adoption in its substance, of the resolution cited above, but drafted in the following terms:
"It is the opinion of the XVIIth International Conference, an opinion which is shared by the International Committee of the Red Cross, that the International Committee, when acting in any given country, should to the extent which is proper and feasible, do so through the medium of the National Red Cross Society concerned, and in any event inform that Society of all activities undertaken by the Committee in the country of the Society, including its dealings with the Government or any of its agencies."

3. Relations between the International Committee of the Red Cross and National Red Cross Societies in occupied countries.

The text adopted by the Preliminary Conference runs as follows:

"The Commission further endorsed the principle of the proposal made by the International Committee in this connexion.

"Like the International Committee, the Commission is of opinion that a solution must in the first place be sought in the improvement of relations between Red Cross Societies of occupying and occupied countries."

This is not a resolution in the real sense, The Preliminary Conference sought by this means to indicate their approval of the attitude of the International Committee in respect of certain demands by Red Cross Societies of occupying countries, and of the Committee's suggestion to define more clearly the principles governing relations between National Red Cross Societies of the occupying countries and those of the countries occupied.

The passage in the supporting Papers of the Committee to which this text refers is the following:

A difficult problem arose in the matter of relations between the International Committee of the Red Cross and the National Red Cross Societies, which was due to the occupation of a considerable number of countries at an early stage of the war. The Red Cross Societies of the occupying countries in fact demanded that all communications and correspondence between the International Committee and the Red Cross Societies of the occupied countries should pass through their hands. This procedure caused considerable delay, and the Societies of the occupied countries complained that the Society of the occupying Power held up all communications in both directions, and prevented their representatives from being sent to Geneva. The International Committee reacted vigorously and repeatedly against this high-handed action, first by making representations to the Red Cross Societies of the occupying Powers,
and then by deliberately circumventing the conditions they imposed. After long efforts, the Committee succeeded in sending temporary or permanent delegations into certain occupied countries.

The fact remains that the demands imposed by Red Cross Societies of the occupying countries were extremely detrimental to relations between the International Committee and the Red Cross Societies of the occupied countries, and reduced them to a very considerable degree.

However, it seems as if the solution of the problem might be sought, first of all, in improving relations between the Red Cross Societies of the occupying countries and those of the countries occupied, a question which indeed is still alive to-day.

Since International Red Cross Conferences have laid down principles which govern relations of the National Red Cross Societies amongst themselves, the question arises of similar principles being applied to relations between the Red Cross Societies of occupying countries and those of countries occupied.

A solution to the problem seems to lie in the three resolutions examined above under Section A, "Co-operation of National Societies in Time of War", and by Resolution No 3, sub-section (d) in particular.

4. Delegations of the International Committee abroad, and Delegations of National Societies to the Committee.

The resolution of the Preliminary Conference reads as follows:

"The Commission further endorsed the opinion expressed by the International Committee in its Report concerning the value of delegations of National Societies to the International Committee of the Red Cross, and of the latter's delegations abroad".

It is not possible to reproduce in full the passages of the Committee's Report to which this text refers. (1) The fact that the above resolution was adopted without discussion makes any comment at length unnecessary: it bears witness to the value acknowledged throughout the Red Cross of the exchange of delegations.

(1) Similar particulars will be found in the "Report on the Work of the International Committee of the Red Cross during the Second World War", Vol. I, Part I, Chapter VI (2).
It may simply be mentioned that in its Papers, the Committee emphasized how gratified it had been to accredit as many as sixteen permanent delegations of National Societies during the war, in accordance with its Statutes. The appointment of these delegations, which proved most useful to relief work in common, was especially valuable when certain National Societies were cut off from communication with the International Committee as a result of the war.

The Committee has always asked National Societies to maintain the unofficial character of their delegations, a corollary of the attitude which the Committee had to adopt of a provisional recognition of National Societies during the war. This was in order to avoid the setting up of a kind of diplomatic corps which would not have been in keeping with the character of the Red Cross, and in which representatives of enemy nationalities might have found themselves face to face. The Committee also recalled that the despatch of special temporary missions by some of the National Societies was deeply appreciated. These missions more than once made possible the speedy settlement of questions that were awkward and a matter of urgency.

In regard to its own delegations, the Committee stated that it had been able to send representatives to almost every country in the world, belligerent and neutral. The part played by these delegations (which is referred to throughout the whole General Report of the Committee) is too well know to be described here. In addition to the work carried out, especially in supervising the application of the Prisoner of War Convention, and in the forwarding and distribution of relief, the delegates kept in contact with the National Societies, which generally gave them most valuable support.

The Committee also recalled that some National Societies had often urged it to send delegates to their countries. It did its utmost to respond to these requests, but despite frequent representations, was not always successful in overriding the opposition of the occupying Power. Finally, it laid stress on the importance of special missions sent out on many occasions to National Societies, in order to establish direct contact and to settle problems of urgency.

There seems to be no doubt of the usefulness of sending out and setting up permanent delegations and special missions on a basis of reciprocity. Although some disappointments have to be recorded on both hands, these appear insignificant on the debit side, in comparison with the achievements on the credit side of the delegations. They were due, not to the organization itself but to human frailty from which representatives of the Red Cross are no more immune than others. It is, however, seen to be necessary to provide against a certain amount of confusion and mistakes by deciding that delegates or heads of missions should not be attached to any diplomatic mission or consulate, and that outside their
duties as delegates, they should not be permitted to carry on any work which is out of keeping with the spirit of the Red Cross.

The Committee would welcome the adoption by the International Conference of the above Resolution altered to read as a Recommendation. It might in substance read as follows:

"The XVIIth International Conference, endorsing the opinion expressed by the International Committee of the Red Cross concerning the value of delegations from National Societies to the International Committee, and of delegations from the International Committee to National Societies in time of war,

"Warmly recommends to the National Societies and to the International Committee to establish such delegations and to send out special missions as often as feasible and necessary. It recommends that these agencies shall give their support to the delegations accredited to them, and shall make representations to their respective Governments, in order that they grant to these delegates all facilities necessary for them to carry out their humanitarian tasks. Delegates from National Societies and from the International Committee of the Red Cross shall not be attached to any diplomatic mission or consulate, and outside their duties with the International Committee or National Societies, shall not carry on any work which is out of keeping with the spirit of the Red Cross."