Recognition of Red Cross Societies

Report
by the International Committee of the Red Cross

(Item V of the Agenda of the Legal Commission)

XVIIth International Red Cross Conference
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1. Policy followed by the International Committee during the Second World War.

The International Committee of the Red Cross made the following statement to the Preliminary Conference of 1946:

The principles which should govern the formation of new Red Cross Societies were, it will be recalled, drafted by the Committee after the International Red Cross Conference of Carlsruhe in 1887. This Conference directed the Committee to notify the existing National Societies of the formation of new Societies, after it had verified the bases upon which such Societies rested.

The investigations carried out by the Committee, in virtue of its terms of reference, for the purpose of recognizing National Societies, do not as a rule present any difficulty in normal times of peace; in time of war, however, the recognition of a new Society, or the establishment of the fact that one already in existence has been dissolved, becomes a delicate matter. War may, indeed, have far-reaching consequences for the status of a country: it may even lead to situations which are quite irrational in international law, when some States are recognized by the belligerents and others are not considered by a certain number of Powers as having such a status. The International Committee is then faced with situations de facto which do not come within its competency, and on which it is not for the Committee to pronounce, because of their political character. The Committee cannot become, or even appear to become, involved in any confused situation created by certain States for political motives.

The upheavals caused by the second World War had a profound effect upon the position of several National Societies. In certain of the occupied countries, some units of the Red Cross Society remained, being subjected in some cases to compulsory changes, whilst other units went abroad and set up again as a National Society under the auspices of the Government in exile, recognized by some States and not recognized by others. In some instances, countries were divided into more than one State, each one aiming at setting up an independent Red Cross Society. There were also instances of one country having two rival Governments and two Red Cross Societies. Thus two, three and sometimes even four National Societies laid claim to the sole right of recognition granted before the war by the International Committee.

Faced with this inextricable situation, the only policy which the Committee could adopt was (1) to postpone all recognition during the war and until international conditions were again normal,
and (2) to maintain all relations de facto which were necessary to accomplish its relief tasks with all Red Cross Societies or groups, whether recognized or not. In the interest of the victims of the war, it was imperative that in all territories the work of a Red Cross agency should survive or be resumed, if only in part. These de facto relations in no wise prejudiced the legal position of these Red Cross Societies, once peace was re-established.

This policy was set out by the International Committee in its Circular No. 365 of September 17, 1941, to all National Red Cross Societies, none of which expressed any objection. In the same circular, the Committee stated that it would publish in the "Bulletin international des Sociétés de Croix-Rouge" (Supplement to the Revue Internationale) all communications which came in from the Red Cross Societies, whether recognized or not, in the form in which they were sent.

The only exceptions which were made by the International Committee to the principle of postponing all new recognitions, during the war were those made in favour of the Irish and the Liechtenstein Red Cross Societies, since those were formed apart from any situation connected with the state of war.

Once hostilities had ended, the Committee considered that any national Red Cross Society which returned to its own liberated and independent country and which was recognized by its Government that had itself returned to its own native soil, should enjoy ipso facto the recognition granted before the war by the International Committee. This status should hold without any need of granting new recognition, and on the sole condition that the Statutes of such Societies should remain in accord with the terms of recognition laid down by the International Committee after 1887.

In consequence of this decision, the Committee, after the end of the war held that only those National Red Cross Societies which had returned to their own country could henceforth claim this status, whilst groups which had been set up outside their national territory became branches abroad, subject on all counts (1) to the National Society of their own country, and (2) to the sanction of the Red Cross of the country in which they had settled.

After studying this Report, the Preliminary Conference adopted the following resolution:

"The Commission approves the policy adopted by the International Committee in postponing, for the duration of hostilities, all recognition of National Societies, until the international situation should have again become normal."
"The Commission expressed its approval of the only exceptions made by the International Committee to the principle of suspending further recognitions in time of war, namely the Irish Red Cross and the Red Cross of Liechtenstein, since these two Societies were founded outside of any situation connected with the war.

"The Commission also endorses the policy of the International Committee concerning National Red Cross Societies returning, at the close of hostilities, to their own liberated and independent territories, and recognized by their respective Governments, who had also returned to their country.

The Commission considers that there was no need to effect a renewed recognition of these Societies, subject only to their statues still fulfilling the conditions of recognition laid down in 1867".

The wording of this resolution is however incomplete and the International Committee propose to draft it as follows:

The Conference approves the policy followed by the International Committee of the Red Cross in (1) postponing all recognition of National Societies for the duration of the war, and until the international situation has again become normal, and (2) in maintaining all relations de facto necessary to accomplish its relief tasks, with all Red Cross Societies or groups, whether recognized or not.

The Conference expresses its approval of the only exceptions made by the International Committee to the principle of postponing further recognitions in time of war, namely, those of the Irish and the Liechtenstein Red Cross Societies, since these were formed apart from any situation connected with the state of war.

The Conference also endorses the opinion of the International Committee that National Red Cross Societies which have returned, once hostilities were ended, to their own liberated and independent countries, and have been recognized by their respective Governments, which had themselves returned to their national soil, should enjoy the recognition granted before the war by the International Committee, with the sole proviso that their Statutes remain in accord with the conditions of recognition.
2. Revision of Conditions of Recognition.

The International Committee of the Red Cross was directed by the IVth International Red Cross Conference of Carlsruhe, 1887, and subsequently by the Statutes of the International Red Cross, to proceed with the recognition of National Red Cross Societies. Shortly after 1887, they drew up twelve conditions to which newly formed National Societies are required to conform, in order to obtain recognition by the Committee. These conditions are the following:

1) To belong to a country in which the Geneva Convention is in force.

2) To belong to a country where there is no Society already approved by the International Committee.

3) To have been approved by the Government of its country as an auxiliary of the Army Medical Service.

4) To bear the name of "National Red Cross Society".

5) To adopt as a flag a red cross on a white ground.

6) To have at its head a Central Committee which shall be its sole representative with other Societies.

7) To include in its sphere of action the country as a whole and its dependencies.

8) To admit to membership all citizens of its country, without distinction, especially of sex, religion or political opinion.

9) To include, as far as possible, in its schedule of work all branches of the Army Medical Service.

10) To give an undertaking to prepare itself in time of peace to render service in time of war.

11) To adhere to the principle of moral solidarity which unites all National Societies.

12) To undertake to maintain continuous relations with other National Societies and with the International Committee.

At the Preliminary Conference of 1946, the International Committee asked the National Societies if the wording of these conditions of recognition should not, in their view, be revised and brought up to date. The Conference then suggested that a Joint Commission of the International Committee and the League study the wording of these conditions, to adapt them to present-day
circumstances, and the Committee very readily agreed to this suggestion.

This Commission held meetings on September 11 and 12, 1947, under the chairmanship of M. Bohny, President of the Swiss Red Cross. The League was represented by the Red Cross Societies of the following countries: Czechoslovakia, Denmark, Eire, India, Italy, South Africa and Switzerland.

The following is the wording suggested by the Commission for the conditions under which a new Society may become a member of the International Red Cross:

1) To be formed in the territory of an independent State where the Geneva Conventions of 1864, 1906 and 1929 relating to the Wounded and Sick are in force.

2) To be the only National Red Cross Society in this State, and to have at its head a central body which will be its sole representative with other members of the International Red Cross.

3) To be duly recognized by its legal Government as a Voluntary Relief Society and auxiliary of the public authorities, in particular, in the sense of Art.10 of the Geneva Convention and, in the States which have no armed forces, as a Voluntary Relief Society and auxiliary of the public authorities, for carrying on work in behalf of the civil population.

4) To have the character of an organization enjoying an autonomy which permits it to carry on its activities in accordance with the basic principles of the Red Cross, as laid down by the International Red Cross Conference.

5) To use the style and emblem of the Red Cross (Red Crescent, Red Lion and Sun) in accordance with the Geneva Convention.

6) To have an organization which enables it to carry out with efficiency the tasks which fall to it. To prepare itself in time of peace for services in time of war.

7) To extend its work to the whole country and its dependencies.

8) Not to exclude from membership any citizens of its country on grounds of race, sex, class, religion or political opinion.
9) To adhere to the Statutes of the International Red Cross, to be party to the solidarity which unites its members, National Societies and international organizations, and to keep up continuous relations with them.

10) To adhere to the basic principles of the Red Cross, as established by the International Red Cross Conferences, namely the impartiality, political, religious and economic independence, the universal character of the Red Cross, and the equality of National Societies, and in all their work to be inspired by the spirit of the Geneva Convention and of the Conventions designed to supplement it.

The wording was drawn up in full agreement with the International Committee, which would like to consult the XVIIth Conference on the new conditions before bringing them into force.

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The League of Red Cross Societies had, at the XIXth Session of the Board of Governors, put forward conditions for admitting National Societies to the League, which left out of account recognition by the International Committee. The case might thus, in theory, arise of a National Society which would be admitted to membership in the League, without having been recognized by the International Committee, and vice versa. Some National Societies therefore asked whether this was not a situation which should be put right.

The question was submitted to the "Special Commission to study methods to reinforce the efficacy of the work of the International Committee", but it was not discussed, nor was it the subject of recommendations to the XVIIth Conference. However, if the ten new conditions are accepted in the same form by the International Committee and the League, the risk of running into the difficulties mentioned above would very much reduced.