Facilities to be granted to the National Red Cross Societies by the Governments

Report
by the International Committee of the Red Cross
(Under Item VII of the Agenda of the Legal Commission)

Geneva, May 1948
Facilities to be granted to the National Red Cross Societies by the Governments.

The Preliminary Conference of the National Red Cross Societies (Geneva, 1940) adopted the following resolution:

"The Commission notes the immensity of the tasks which war imposes upon National Red Cross Societies, as on the International Committee, and which implies a considerable increase in their mutual relations. These have been hampered up till now by countless and sometimes almost insurmountable material difficulties.

"In consequence, the Commission endorses unanimously the decisions taken in this field by the Nineteenth Meeting of the Board of Governors of the League as follows:

"The Board of Governors,

Considering that the humanitarian work of the Red Cross would be greatly facilitated, especially during epidemics, natural calamities and war, by:

(a) Special travel facilities for Red Cross personnel when engaged in their official duties, and expeditions granting of travel visas to them;
(b) Special facilities for the transmission of Red Cross correspondence;
(c) Special facilities for the rapid transfer from one country to another of funds to be expended in Red Cross activities;
(d) Special facilities for the rapid movement of Red Cross medical and other relief supplies to stricken and needy peoples;
(e) Special facilities for the exemption of customs duties on Red Cross relief supplies.

"All the above in complete agreement with the Red Cross Society of the country concerned.

"Directs the Secretariat of the League to:

(1) Transmit to the International Committee of the Red Cross a request that provisions for these special facilities be incorporated in amendments to existing treaties and/or proposed new international Conventions; and
(2) Urge National Societies to endeavour to obtain adherence of their respective governments to the above stated principles.

The Commission further endorses the following recommendations adopted by the Nineteenth Meeting of the Board of Governors of the League:

"The Board of Governors,

"Recommends to all Governments that all material of any kind used for Red Cross work, imported for, or exported by a Red Cross Society, should be free of customs duties".

The question of facilities and exemption from customs and excise duties, taxes and postal charges, etc., to be granted by the Governments to the National Red Cross Societies is as old as the Red Cross itself. It was the subject of several resolutions by International Red Cross Conference (1863-1892-1912-1934-1938).

Furthermore, the Final Act of the Diplomatic Conference of 1929 included the following recommendation:

"The Conference, recognizing the importance of the part that falls to the National Red Cross Societies and the Voluntary Aid Societies in the interests of solidarity between peoples, considers it most advisable that all facilities and exemptions should be granted to them, to the greatest extent possible under the laws of the country, to help them in carrying out their work in time of peace, particularly in the matter of their accommodation, the movements of their personnel and equipment, and their relief operations".

Following upon a resolution by the Board of Governors of the League, the Assembly of the United Nations drew the attention of the Members of the United Nations to "the special interest attached ........ 3) to the adoption of the measures needed to maintain in all circumstances contact amongst the National Red Cross Societies and Red Crescent Societies of all countries, with the purpose of ensuring the accomplishment of their humanitarian work".

In drawing up its "Draft revised and new Conventions", the International Committee has endeavoured to introduce provisions, in so far as they judged it advisable, with the object of promoting humanitarian activities in behalf of all victims of war. It will be for the Legal Commission of the XVIIth Conference to examine these provisions and give an opinion on their adequacy.

There is, however, no general provision in the Draft Conventions which grants to the National Red Cross Societies by
name (or to the International Committee, save in the instance of the Central Prisoners of War Agency), the various facilities and exemptions mentioned above.

In addition to the difficulty of securing from the Powers undertakings so extensive and touching on so many points in any international Convention, one can also ask whether the National Societies, in winning officially a fair number of facilities, might not run the risk of sacrificing part of their independence in regard to their respective Governments. The existence of the National Societies and the value and achievement of their service have always been the result of their keeping the balance between their relationships with the public authorities, on the one hand, and on the other their independence and status as private organizations.

At all events, there is good reason for hope that there may be introduced into the Final Act of the forthcoming Diplomatic Conference which will revise the Geneva Conventions, a recommendation on the lines of the Final Act of 1929 and of the Resolution of the Preliminary Conference, quoted at the beginning of this Report. The following wording might be considered:

"The Conference, recognizing the importance of the part which falls to the National Red Cross Societies in the interests of solidarity between peoples, considers it advisable that all facilities be granted to them by the Governments for the accomplishment of their work in time of peace as in time of war, particularly in the matter of the travelling of their personnel, forwarding of their correspondence, transfer of their relief supplies and funds, and all exemptions from taxation, customs, postal and transport charges."