

Workshop on Fundamental Principles

Legal framework of the Fundamental Principles

TREATY LAW

[Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949](#)

[Geneva Convention \(II\) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949. Geneva, 12 August 1949](#)

[Geneva Convention \(III\) on Prisoners of War, 1949. Geneva, 12 August 1949](#)

[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949](#)

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\), 8 June 1977](#)

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977](#)

[Rome Statute of the International Criminal Court, 1998, U.N. Doc. A/CONF.183/9](#)

CUSTOMARY LAW

[ICRC, Customary International Law Database](#)

JURISPRUDENCE

[International Court of Justice \(ICJ\), Military and Paramilitary Activities in and against Nicaragua \(Nicaragua v. United States of America\), Judgment, ICJ Reports 1986](#)

[ICJ, Corfu Channel Case \(United Kingdom v. Albania\), Judgment, ICJ Reports 1949](#)

[ICJ, South West Africa Cases \(Ethiopia v. South Africa; Liberia v. South Africa\), Second Phase, Judgment, ICJ Reports 1966](#)

SECURITY COUNCIL RESOLUTIONS

[UN SC Res. 1341, 22 February 2001](#)

CONSTITUTIVE DOCUMENTS

[Statutes of the International Red Cross and Red Crescent Movement](#)

[Médecins Sans Frontières \(MSF\), MSF Charter and Principles, 2015](#)

TEXT

Treaty law

Article 3 common to the Geneva Conventions: Conflicts not of an international character

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 9 common to the Geneva Conventions (art. 10, GC IV): Activities of the International Committee of the Red Cross

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains, and for their relief.

[Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.](#)

Article 26 – Personnel of aid societies

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

Article 44 – Restrictions in the use of the emblem. Exceptions

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of

war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949](#)

Article 63 – National Red Cross and other relief societies

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

(a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

(b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\), 8 June 1977](#)

Article 70 – Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69 [\[Link\]](#), relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and

nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.

2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.

3. The Parties to the conflict and each High Contracting Party which allow the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

(a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;

(b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;

(c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.

4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.

5. The Parties to the conflict and each High Contracting Party concerned shall encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph

Article 81 – Activities of the Red Cross and other humanitarian organizations

1. The Parties to the conflict shall grant to the International Committee of the Red Cross all facilities within their power so as to enable it to carry out the humanitarian functions assigned to it by the Conventions and this Protocol in order to ensure protection and assistance to the victims of conflicts; the International Committee of the Red Cross may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned.

2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.

3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies extend to the victims of conflicts in accordance with the provisions of the Conventions and this Protocol and with the

fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.

4. The High Contracting Parties and the Parties to the conflict shall, as far as possible, make facilities similar to those mentioned in paragraphs 2 and 3 available to the other humanitarian organizations referred to in the Conventions and this Protocol which are duly authorized by the respective Parties to the conflict and which perform their humanitarian activities in accordance with the provisions of the Conventions and this Protocol.

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977](#)

Article 18 – Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.

2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

[Rome Statute of the International Criminal Court, 1998, U.N. Doc. A/CONF.183/9](#)

Article 8 (2) (b) (xxv) – War crimes

For the purpose of this Statute, ‘war crimes’ means:

Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions

Customary law

[ICRC, Customary International Law Database](#)

CIHL, Rules 53 - 56

Rule 53. The use of starvation of the civilian population as a method of warfare is prohibited. [IAC/NIAC]

Rule 54. Attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population is prohibited. [IAC/NIAC]

Rule 55. The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control. [IAC/NIAC]

Rule 56. The parties to the conflict must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions. Only in case of imperative military necessity may their movements be temporarily restricted. [IAC/NIAC]

Jurisprudence

[International Court of Justice \(ICJ\), Military and Paramilitary Activities in and against Nicaragua \(Nicaragua v. United States of America\), Judgment, ICJ Reports 1986](#)

Para. 20

20. The armed opposition to the new Government in Nicaragua, which originally comprised various movements, subsequently became organized into two main groups: the Fuerza Democrática Nicaragüense (FDN) and the Alianza Revolucionaria Democrática (ARDE). The first of these grew from 1981 onwards into a trained fighting force, operating along the borders with Honduras ; the second, formed in 1982, operated along the borders with Costa Rica. The precise extent to which, and manner in which, the United States Government contributed to bringing about these developments will be studied more closely later in the present Judgment. However, after an initial period in which the "covert" operations of United States personnel and persons in their pay were kept from becoming public knowledge, it was made clear, not only in the United States press, but also in Congress and in official statements by the President and high United States officials, that the United States Government had been giving support to the contras, a term employed to describe those fighting against the present Nicaraguan Government. In 1983 budgetary legislation enacted by the United States Congress made specific provision for funds to be used by United States intelligence agencies for supporting "directly or indirectly" military or paramilitary operations in Nicaragua". According to Nicaragua, the contras have caused it considerable material damage and wide-spread loss of life, and have also committed such acts as killing of prisoners, indiscriminate killing of civilians, torture, rape and kidnapping. It is contended by

Nicaragua that the United States Government is effectively in control of the contras, that it devised their strategy and directed their tactics, and that the purpose of that Government was, from the beginning, to overthrow the Government of Nicaragua.

Para. 218

The Court however sees no need to take a position on that matter, since in its view the conduct of the United States may be judged according to the fundamental general principles of humanitarian law ; in its view, the Geneva Conventions are in some respects a development, and in other respects no more than the expression, of such principles. It is significant in this respect that, according to the terms of the Conventions, the denunciation of one of them

"shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience" (Convention I, Art. 63; Convention II, Art. 62; Convention III, Art. 142; Convention IV, Art. 158).

Article 3 which is common to all four Geneva Conventions of 12 August 1949 defines certain rules to be applied in the armed conflicts of a non- international character. There is no doubt that, in the event of international armed conflicts, these rules also constitute a minimum yardstick, in addition to the more elaborate rules which are also to apply to international conflicts ; and they are rules which, in the Court's opinion, reflect what the Court in 1949 called "elementary considerations of humanity" (Corfu Channel, Merits, 1. C. J. Reports 1949, p. 22; paragraph 2 15 above). The Court may therefore find them applicable to the present dispute, and is thus not required to decide what role the United States multilateral treaty reservation overnight otherwise play in regard to the treaties in question.

Para. 242-243

The Court therefore finds that the support given by the United States, up to the end of September 1984, to the military and paramilitary activities of the contras in Nicaragua, by financial support, training, supply of weapons, intelligence and logistic support, constitutes a clear breach of the principle of non-intervention. The Court has however taken note that, with effect from the beginning of the United States governmental financial year 1985, namely 1 October 1984, the United States Congress has restricted the use of the funds appropriated for assistance to the contras to "humanitarian assistance" (paragraph 97 above). There can be no doubt that the provision of strictly humanitarian aid to persons or forces in another country, whatever their political affiliations or objectives, cannot be regarded as unlawful intervention, or as in any other way contrary to international law. The characteristics of such aid were indicated in the first and second of the fundamental principles declared by the Twentieth International Conference of the Red Cross, that

"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"

and that

"It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours only to relieve suffering, giving priority to the most urgent cases of distress."

The United States legislation which limited aid to the contras to humanitarian assistance however also defined what was meant by such assistance, namely:

"the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death" (paragraph 97 above).

It is also to be noted that, while the United States Congress has directed that the CIA and Department of Defense are not to administer any of the funds voted, it was understood that intelligence information might be "shared" with the contras. Since the Court has no information as to the interpretation in fact given to the Congress decision, or as to whether intelligence information is in fact still being supplied to the contras, it will limit itself to a declaration as to how the law applies in this respect. An essential feature of truly humanitarian aid is that it is given "without discrimination" of any kind. In the view of the Court, if the provision of "humanitarian assistance" is to escape condemnation as an intervention in the internal affairs of Nicaragua, not only must it be limited to the purposes hallowed in the practice of the Red Cross, namely "to prevent and alleviate human suffering", and "to protect life and health and to ensure respect for the human being"; it must also, and above all, be given without discrimination to all in need in Nicaragua, not merely to the contras and their dependents.

Para. 246

Having concluded that the activities of the United States in relation to the activities of the contras in Nicaragua constitute prima facie acts of intervention, the Court must next consider whether they may nevertheless be justified on some legal ground. As the Court has stated, the principle of non-intervention derives from customary international law. It would certainly lose its effectiveness as a principle of law if intervention were to be justified by a mere request for assistance made by an opposition group in another State - supposing such a request to have actually been made by an opposition to the régime in Nicaragua in this instance. Indeed, it is difficult to see what would remain of the principle of non-intervention in international law if intervention, which is already allowable at the request of the government of a State, were also to be allowed at the request of the opposition. This would permit any State to intervene at any moment in the internal affairs of another State, whether at the

request of the government or at the request of its opposition. Such a situation does not in the Court's view correspond to the present state of international law.

Para. 292 (3)

For these reasons,

The Court

[...]

(3) By twelve votes to three,

Decides that the United States of America, by training, arming, equipping, financing and supplying the contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another State;

[ICJ, Corfu Channel Case \(United Kingdom v. Albania\), Judgment, ICJ Reports 1949](#)

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The obligations incumbent upon the Albanian authorities consisted in notifying, for the benefit of shipping in general, the existence of a minefield in Albanian territorial waters and in warning the approaching British warships of the imminent danger to which the minefield exposed them. Such obligations are based, not on the Hague Convention of 1907, No. VII, which is applicable in time of war, but on certain general and well-recognized principles, namely: elementary considerations of humanity, even more exacting in peace than in war; the principle of the freedom of maritime communication; and every State's obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States.

[ICJ, South West Africa Cases \(Ethiopia v. South Africa; Liberia v. South Africa\), Second Phase, Judgment, ICJ Reports 1966](#)

Para. 49

49. The Court must now turn to certain questions of a wider character. Throughout this case it has been suggested, directly or indirectly, that humanitarian considerations are sufficient in themselves to generate legal rights and obligations, and that the Court can and should proceed accordingly. The Court does not think so. It is a court of law, and can take account of moral principles only in so far as these are given a sufficient expression in legal form. Law exists, it is said, to serve a social need; but precisely for that reason it can do so only through and within the limits of its own discipline. Otherwise, it is not a legal service that would be rendered.

Security Council Resolutions

[UN SC Res. 1341, 22 February 2001](#)

Para. 12

The Security Council,

[...]

12. Calls also on all the parties to respect the principles of neutrality and impartiality in the delivery of humanitarian assistance;

Constitutive Documents

[Statutes of the International Red Cross and Red Crescent Movement](#)

Preamble

The International Conference of the Red Cross and Red Crescent, Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies together constitute a worldwide humanitarian movement, whose mission is to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies, to work for the prevention of disease and for the promotion of health and social welfare, to encourage voluntary service and a constant readiness to give help by the members of the Movement, and a universal sense of solidarity towards all those in need of its protection and assistance. Reaffirms that, in pursuing its mission, the Movement shall be guided by its Fundamental Principles, which are:

Humanity

The International Red Cross and Red Crescent Movement, 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, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to continue to enjoy the confidence of all, the Movement may not take sides in

hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary Service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory. Universality The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide. Recalls that the mottoes of the Movement, *Inter arma caritas* and *Per humanitatem ad pacem*, together express its ideals. Declares that, by its humanitarian work and the dissemination of its ideals, the Movement promotes a lasting peace, which is not simply the absence of war, but is a dynamic process of cooperation among all States and peoples, cooperation founded on respect for freedom, independence, national sovereignty, equality, human rights, as well as on a fair and equitable distribution of resources to meet the needs of peoples.

Article 1 - Definition

The International Red Cross and Red Crescent Movement¹ (hereinafter called “the Movement”) is composed of the National Red Cross and Red Crescent Societies recognized in accordance with Article 42 (hereinafter called “National Societies”), of the International Committee of the Red Cross (hereinafter called “the International Committee”) and of the International Federation of Red Cross and Red Crescent Societies (hereinafter called “the Federation”). 2. The components of the Movement, while maintaining their independence within the limits of the present Statutes, act at all times in accordance with the Fundamental Principles and cooperate with each other in carrying out their respective tasks in pursuance of their common mission. 3. The components of the Movement meet at the International Conference of the Red Cross and Red Crescent (hereinafter called “the International Conference”) with the States Parties to the Geneva Conventions of 27 July 1929 or of 12 August 1949.

Article 2 – States Parties to the Geneva Convention

The States Parties to the Geneva Conventions³ cooperate with the components of the Movement in accordance with these Conventions, the present Statutes and the resolutions of the International Conference. 2. Each State shall promote the establishment on its territory of

a National Society and encourage its development. 3. The States, in particular those which have recognized the National Society constituted on their territory, support, whenever possible, the work of the components of the Movement. The same components, in their turn and in accordance with their respective statutes, support as far as possible the humanitarian activities of the States. 4. The States shall at all times respect the adherence by all the components of the Movement to the Fundamental Principles. 5. The implementation of the present Statutes by the components of the Movement shall not affect the sovereignty of States, with due respect for the provisions of international humanitarian law.

Article 3 – National Red Cross and Red Crescent Societies

The National Societies form the basic units and constitute a vital force of the Movement. They carry out their humanitarian activities in conformity with their own statutes and national legislation, in pursuance of the mission of the Movement, and in accordance with the Fundamental Principles. The National Societies support the public authorities in their humanitarian tasks, according to the needs of the people of their respective countries.

2. Within their own countries, National Societies are autonomous national organizations providing an indispensable framework for the activities of their voluntary members and their staff. They cooperate with the public authorities in the prevention of disease, the promotion of health and the mitigation of human suffering by their own programmes in such fields as education, health and social welfare, for the benefit of the community.

They organize, in liaison with the public authorities, emergency relief operations and other services to assist the victims of armed conflicts as provided in the Geneva Conventions, and the victims of natural disasters and other emergencies for whom help is needed.

They disseminate and assist their governments in disseminating international humanitarian law; they take initiatives in this respect. They disseminate the principles and ideals of the Movement and assist those governments which also disseminate them. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols.

3. Internationally, National Societies, each within the limits of its resources, give assistance for victims of armed conflicts, as provided in the Geneva Conventions, and for victims of natural disasters and other emergencies. Such assistance, in the form of services and personnel, of material, financial and moral support, shall be given through the National Societies concerned, the International Committee or the Federation.

They contribute, as far as they are able, to the development of other National Societies which require such assistance, in order to strengthen the Movement as a whole.

International assistance between the components of the Movement shall be coordinated as provided in Article 5 or Article 6. A National Society which is to receive such assistance may however undertake the coordination within its own country, subject to the concurrence of the International Committee or the Federation, as the case may be.

4. In order to carry out these tasks, the National Societies recruit, train and assign such personnel as are necessary for the discharge of their responsibilities.

They encourage everyone, and in particular young people, to participate in the work of the Society.

5. National Societies have a duty to support the Federation in terms of its Constitution. Whenever possible, they give their voluntary support to the International Committee in its humanitarian actions.

Article 4 – Conditions of recognition of National Societies

In order to be recognized in terms of Article 5, paragraph 2 b) as a National Society, the Society shall meet the following conditions: 1. Be constituted on the territory of an independent State where the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field is in force. 2. Be the only National Red Cross or Red Crescent Society of the said State and be directed by a central body which shall alone be competent to represent it in its dealings with other components of the Movement. 3. Be duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field. 4. Have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement. 5. Use a name and distinctive emblem in conformity with the Geneva Conventions and their Additional Protocols. 6. Be so organized as to be able to fulfil the tasks defined in its own statutes, including the preparation in peace time for its statutory tasks in case of armed conflict. 7. Extend its activities to the entire territory of the State. 8. Recruit its voluntary members and its staff without consideration of race, sex, class, religion or political opinions. 9. Adhere to the present Statutes, share in the fellowship which unites the components of the Movement and cooperate with them. 10. Respect the Fundamental Principles of the Movement and be guided in its work by the principles of international humanitarian law.

Article 5 – The International Committee of the Red Cross

1. The International Committee, founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, is an independent humanitarian organization having a status of its own. It co-opts its members from among Swiss citizens. 2. The role of the International Committee, in accordance with its Statutes, is in particular:

a) to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality; b) to recognize any newly established or reconstituted National Society, which fulfils the conditions for recognition set out in Article 4, and to notify other National Societies of such recognition; c) to undertake the tasks incumbent upon it under the Geneva Conventions, to

work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law; d) to endeavour at all times – as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results; e) to ensure the operation of the Central Tracing Agency as provided in the Geneva Conventions; f) to contribute, in anticipation of armed conflicts, to the training of medical personnel and the preparation of medical equipment, in cooperation with the National Societies, the military and civilian medical services and other competent authorities; g) to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof; h) to carry out mandates entrusted to it by the International Conference. 3. The International Committee may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution. 4. a) It shall maintain close contact with National Societies. In agreement with them, it shall cooperate in matters of common concern, such as their preparation for action in times of armed conflict, respect for and development and ratification of the Geneva Conventions, and the dissemination of the Fundamental Principles and international humanitarian law. b) In situations foreseen in paragraph 2 d) of this Article and requiring coordinated assistance from National Societies of other countries, the International Committee, in cooperation with the National Society of the country or countries concerned, shall coordinate such assistance in accordance with the agreements concluded with the Federation. 5. Within the framework of the present Statutes and subject to the provisions of Articles 3, 6 and 7, the International Committee shall maintain close contact with the Federation and cooperate with it in matters of common concern.

Article 6 – The International Federation of the Red Cross and Red Crescent Societies

The International Federation of Red Cross and Red Crescent Societies 1. The International Federation of Red Cross and Red Crescent Societies comprises the National Red Cross and Red Crescent Societies. It acts under its own Constitution with all rights and obligations of a corporate body with a legal personality. 2. The Federation is an independent humanitarian organization which is not governmental, political, racial or sectarian in character. 3. The general object of the Federation is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by the National Societies, with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and the promotion of peace in the world. 4. To achieve the general object as defined in paragraph 3 and in the context of the Fundamental Principles of the Movement, of the resolutions of the International Conference and within the framework of the present Statutes and subject to the provisions of Articles 3, 5 and 7, the functions of the Federation, in accordance with its Constitution, are inter alia the following: a) to act as the permanent body of liaison, coordination and study between the National Societies and to give them any assistance they might request; b) to encourage and promote in every country the establishment and development of an independent and duly recognized National Society; c) to bring relief by all available means to all disaster victims; d) to assist the National Societies in their disaster

relief preparedness, in the organization of their relief actions and in the relief operations themselves; e) to organize, coordinate and direct international relief actions in accordance with the Principles and Rules adopted by the International Conference; f) to encourage and coordinate the participation of the National Societies in activities for safeguarding public health and the promotion of social welfare in cooperation with their appropriate national authorities; g) to encourage and coordinate between National Societies the exchange of ideas for the education of children and young people in humanitarian ideals and for the development of friendly relations between young people of all countries; h) to assist National Societies to recruit members from the population as a whole and inculcate the principles and ideals of the Movement; i) to bring help to victims of armed conflicts in accordance with the agreements concluded with the International Committee;

j) to assist the International Committee in the promotion and development of international humanitarian law and collaborate with it in the dissemination of this law and of the Fundamental Principles of the Movement among the National Societies; k) to be the official representative of the member Societies in the international field, inter alia for dealing with decisions and recommendations adopted by its Assembly and to be the guardian of their integrity and the protector of their interests; l) to carry out the mandates entrusted to it by the International Conference. 5. In each country the Federation shall act through or in agreement with the National Society and in conformity with the laws of that country.

Article 7 – Cooperation

The components of the Movement shall cooperate with each other in accordance with their respective statutes and with Articles 1, 3, 5 and 6 of the present Statutes. 2. In particular the International Committee and the Federation shall maintain frequent regular contact with each other at all appropriate levels so as to coordinate their activities in the best interest of those who require their protection and assistance. 3. Within the framework of the present Statutes and their respective statutes, the International Committee and the Federation shall conclude with each other any agreements required to harmonize the conduct of their respective activities. Should, for any reason, such agreements not exist, Article 5, paragraph 4 b) and Article 6, paragraph 4 i) shall not apply and the International Committee and the Federation shall refer to the other provisions of the present Statutes to settle matters relative to their respective fields of activities. 4. Cooperation between the components of the Movement on a regional basis shall be undertaken in the spirit of their common mission and the Fundamental Principles, within the limits of their respective statutes. 5. The components of the Movement, while maintaining their independence and identity, cooperate whenever necessary with other organizations which are active in the humanitarian field, provided such organizations are pursuing a purpose similar to that of the Movement and are prepared to respect the adherence by the components to the Fundamental Principles.

[Médecins Sans Frontières \(MSF\), MSF Charter and Principles, 2015](#)

Charter

Médecins Sans Frontières is a private, international association. The association is made up mainly of doctors and health sector workers and is also open to all other professions which might help in achieving its aims. All of its members agree to honour the following principles:

Médecins Sans Frontières provides assistance to populations in distress, to victims of natural or man-made disasters and to victims of armed conflict. They do so irrespective of race, religion, creed or political convictions.

Médecins Sans Frontières observes neutrality and impartiality in the name of universal medical ethics and the right to humanitarian assistance and claims full and unhindered freedom in the exercise of its functions.

Members undertake to respect their professional code of ethics and maintain complete independence from all political, economic or religious powers.

As volunteers, members understand the risks and dangers of the missions they carry out and make no claim for themselves or their assigns for any form of compensation other than that which the association might be able to afford them.

Principles

MSF's actions are guided by medical ethics and the principles of independence and impartiality.

Medical ethics

MSF's actions are first and foremost medical. We carry out our work with respect for the rules of medical ethics, in particular the duty to provide care without causing harm to individuals or groups. We respect patients' autonomy, patient confidentiality and their right to informed consent. We treat our patients with dignity, and with respect for their cultural and religious beliefs. In accordance with these principles, MSF endeavours to provide high-quality medical care to all patients.

Independence

Our decision to offer assistance in any country or crisis is based on an independent assessment of people's needs. We strive to ensure that we have the power to freely evaluate medical needs, to access populations without restriction and to directly control the aid we provide. Our independence is facilitated by our policy to allow only a marginal portion of our funds to come from governments and intergovernmental organisations.

Impartiality and neutrality

MSF offers assistance to people based on need and irrespective of race, religion, gender or political affiliation. We give priority to those in the most serious and immediate danger. Our decisions are not based on political, economic or religious interests. MSF does not take sides or intervene according to the demands of governments or warring parties.

Bearing witness

The principles of impartiality and neutrality are not synonymous with silence. When MSF witnesses extreme acts of violence against individuals or groups, the organisation may

speak out publicly. We may seek to bring attention to extreme need and unacceptable suffering when access to lifesaving medical care is hindered, when medical facilities come under threat, when crises are neglected, or when the provision of aid is inadequate or abused.

Accountability

MSF is committed to regularly evaluating the effects of its activities. We assume the responsibility of accounting for our actions to our patients and donors.