

Legal Principles of ensuring humanitarian activities of the Ukrainian Red Cross Society and the place among them of administrative and legal regulation

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Abstract. *Abstract. The article emphasises that legal principles ensure the sustainability, comprehensiveness and orientation of humanitarian activity towards compliance with internationally proclaimed principles and values, taking into account the problems and challenges facing all humanity during its implementation.*

It has been noted that legal principles are closely related to historical principles. Based on an understanding of the historical origins of humanitarian activity, a comprehensive understanding of the legal principles for ensuring the humanitarian activity of the Ukrainian Red Cross Society is formed, the formation of which took place over the centuries, embodying individual cultural, worldview and other attitudes that go back to the most ancient human civilisations.

It has been determined that in the activities of the Ukrainian Red Cross Society, administrative and legal norms determine the features of its interaction and coordination with other public authorities and civil society institutions and regulate a number of organisational and managerial processes related to information, personnel, material and technical and other support of various regional and district organisations of the Ukrainian Red Cross.

Attention is focused on the fact that at the international level, the system of legal principles for ensuring the humanitarian activities of the Ukrainian Red Cross Society considers the provisions of such fundamental international documents as the Universal Declaration of Human Rights and the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. It has been argued that at the international level, the fundamental principles of humanitarian activities, their key goals, and global problems that can lead to humanitarian crises are determined. It is precisely such provisions of international documents that form the basis of domestic regulatory legal acts.

Keywords: *legal principles, ensuring humanitarian activities, Ukrainian Red Cross Society, administrative and legal regulation, administrative and legal norms, international documents.*

Problem statement. Legal principles acquire a special meaning in humanitarian activities and responses to humanitarian disasters, ensuring the sustainability, comprehensiveness and orientation of such activities to compliance with internationally proclaimed principles and values, taking into account the problems and challenges facing all humanity during their implementation. In the context of understanding legal principles, it is worth considering that in any society, people are taught to control their aggressive tendencies from early childhood. This is a necessary rite of passage from nature to culture. In fact, there are many boundaries that cannot be crossed, precisely what makes us human. International humanitarian law precisely defines the boundaries that participants in hostilities should never exceed if they do not want to sacrifice their humanity and return to the state of brute nature. The fact that fundamental legal norms exist is based on an intuitive force and can even be said to be a requirement of the human condition, which is why murder, torture, slavery and unjust judgement arouse revulsion not only among the vast majority of intellectuals but also among ordinary people. Whether they are attributed to reason, universal harmony or the divine origin of humanity, reasonable claims are made about human nature. International humanitarian law therefore acquires a universal dimension, symbolising universal human values [1].

State of the study. Fundamental issues related to the construction of an effective system of administrative and legal regulation of the implementation of humanitarian

policy at the national level have been considered by such distinguished researchers as B. V. Derevyanko, M. V. Dzafarova, O. Yu. Drozd, I. D. Kazanchuk, T. A. Kobzeva, A. T. Komzyuk, A. M. Kulish, V. I. Kurylo, K. B. Levchenko, O. M. Muzychuk, G. V. Nazarova, V. O. Nevyadovsky, O. M. Reznik, O. Yu. Salmanova, Yu. M. Safonov, V. V. Sokurenko, S. O. Shatrava, M. I. Shutov, I. V. Yuriychuk, O. V. Yakovenko and other leading scientists. At the same time, problems related to the legal principles of ensuring humanitarian activities under martial law arise in light of new security, social, and legal challenges, the essence of which has not previously been studied in domestic legal thought.

Purpose and objectives of the study. The purpose of the article is to investigate the legal principles of ensuring the humanitarian activities of the Ukrainian Red Cross Society and to determine the place of administrative and legal regulation among them. The achievement of the outlined goal will be facilitated by solving the following research tasks: to establish the relationship between the legal and historical principles of humanitarian activities; to determine the place of administrative and legal regulation among the outlined legal principles; and to analyse the international and national levels of the system of legal principles of ensuring the humanitarian activities of the Ukrainian Red Cross Society.

Scientific novelty of the study. Lies in the fact that the author has been the first to characterise the

international and national levels of the system of legal principles for ensuring the humanitarian activities of the Ukrainian Red Cross Society in the administrative and legal doctrine at the level of independent scientific research.

Presentation of the main material. Legal principles are closely related to historical principles. Some scholars argue that an ancient tradition played a decisive role in the emergence of the Red Cross movement. It assumed the perception by the sole means of human intelligence of an ideal concept of the good, separate from, and in some cases even opposite to, consideration of the immediate interests of man. This idea rarely finds expression in the oldest iconographic and written sources of distant antiquity, which, on the contrary, celebrate the triumph of brute force in the conduct of human affairs. In this respect, the Assyrian methods of warfare and their treatment of the vanquished reached the height of barbarism. However, even in that dark period of history, from time to time one can notice the first timid manifestations of a humanitarian conscience. One of the most prominent examples can be found in the legend of Gilgamesh, the idealised hero of ancient Mesopotamia, later adopted by the Assyrians. The story tells of the epic exploits that Gilgamesh, endowed with superhuman strength, performs with the help of Enkidu, his companion and caricatured counterpart. In one episode, the hero, having defeated a giant named Huwawa, demonstrates a surprising willingness to spare his wounded enemy [2, p. 194].

G. Rizabek-Smith draws attention to the fact that the philosophies that underlie humanitarian activity are diverse. They reflect numerous religious beliefs, such as the Christian concept of charity, common in the West, and the Islamic tradition of zakat, as well as ethical concepts of proper behaviour in war. The Greek and Roman empires were among the first to write down principles that outlined acceptable behaviour in war; similarly, in *The Art of War*, the Chinese general Sun Tzu describes appropriate behaviour in war. During the Black Death pandemic of the Middle Ages, public health agencies were established to isolate, quarantine, and dispose of bodies, marking the beginning of what might be called disaster medicine. Modern technological advances in weapons, transportation, and communications in the late 1800s made it possible not only to destroy human life and property on a scale never before seen but also to communicate these events to the world at large. This communication and transportation infrastructure also allowed for the first time in history to create the capacity for timely organisation and delivery of relief [3, p. 5].

Based on the understanding of the historical origins of humanitarian activity, a comprehensive understanding of the legal principles of ensuring the humanitarian activities of the Ukrainian Red Cross Society is formed, the formation of which took place over the centuries, embodying certain cultural, worldview and other attitudes that go back to the most ancient human civilisations.

At the same time, the system of legal principles is

formed not only under the influence of certain historical events on the path to the formation of a modern worldview but also of special administrative and legal regulation, because, as N.V. Solovey aptly notes, "the history of the development of administrative law shows that this branch is most effective if its main task is to resolve conflict situations both within the administration and between the administration and citizens" [4, p. 218].

As some administrative scientists note, "administrative legal regulation is a special type of legal regulation, the specificity of which is determined by the object of influence, that is, by the relations regulated by administrative law, determined by the peculiarities of its norms. A feature of administrative law, unlike other branches of law, is that it often regulates the procedure for applying the norms of other branches of law, in particular, constitutional law" [5, p. 92].

A similar situation is observed with international humanitarian law. It is with the help of administrative and legal instruments that the principles defined by the Geneva Conventions are implemented in the management decisions of the heads of camps for prisoners of war and commanders of military formations, at the level of whose orders the means and methods of conducting combat operations are determined. In addition, in the activities of the Ukrainian Red Cross Society, administrative and legal norms determine the features of its interaction and coordination with other public authorities and civil society institutions and regulate a number of organisational and managerial processes related to information, personnel, material and technical and other support of various regional and district organisations of the Ukrainian Red Cross.

I. B. Tatsyshyn, in his thesis, substantiates the position that administrative and legal regulation is "a targeted, organising and regulating influence of the state through a system of bodies and officials on the processes taking place in society. The features of administrative and legal regulation include ensuring the implementation of the goals, objectives and functions of the state; implementation by specially authorised entities that are endowed with administrative powers; systematicity; purposefulness; hierarchicalness; systematicity; procedural nature; purposefulness, etc." [6, p.39].

In the context of administrative and legal regulation of the activities of the Ukrainian Red Cross Society, it should be noted that administrative and legal norms are tasked with the task of providing maximum assistance from the state to the humanitarian activities of international non-governmental organizations, ensuring transparent and open mechanisms for informing the public about the results of such activities, determining the procedure for the functioning of administrative procedures and information systems, which are responsible for the normalization of humanitarian activities in Ukraine, taking into account the specifics of public administration generated by the European integration vision of the state's development, the special security challenges of martial law, etc.

Moving directly to the analysis of the international

level of the system of legal principles for ensuring the humanitarian activities of the Ukrainian Red Cross Society, it is worth, first of all, paying attention to the provisions of such fundamental international documents as the Universal Declaration of Human Rights, Article 25 of which declares that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, senior age or other lack of livelihood in circumstances beyond an individual's control" [7]. It is important to understand that this article of the Universal Declaration of Human Rights applies not only to the functioning of the social security system of a particular state in the world but also to the entire international community within the framework of the activities of humanitarian organisations when, due to the scale of shocks and disasters, it is impossible for the state to guarantee an adequate standard of living to thousands of people who find themselves in a humanitarian disaster.

Another important document is the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, according to Article 10 of which "if the wounded and sick or medical and religious personnel do not benefit or have ceased to benefit for any reason from the activities of the Protecting Power or the organisation provided for in the first paragraph above, the Detaining Power shall appeal to a neutral State or such organisation with a request to assume the functions which, in accordance with this Convention, are performed by the Protecting Power designated by the parties to the conflict" [8].

Given the European integration vision of Ukraine's development, when understanding the system of legal principles for ensuring the humanitarian activities of the Ukrainian Red Cross Society, it is impossible not to take into account the provisions of the regulatory legal acts of the European Union (regulations, directives, etc.). According to Article 214 of the Treaty on the Functioning of the European Union, "The Union's operations in the field of humanitarian aid shall be carried out within the framework of the principles and objectives of the Union's external action. Such operations shall aim to provide ad hoc assistance, support and protection to the population of third countries affected by natural or man-made disasters in order to meet the humanitarian needs caused by such diverse situations. The Union's measures and those of the Member States shall complement and reinforce each other" [9].

Thus, at the international level, the fundamental principles of humanitarian activity, its key goals, and global problems that can lead to humanitarian crises have been determined. It is these provisions of international documents that form the basis of domestic regulatory legal acts.

Regarding the national level of the system of legal principles for ensuring the humanitarian activity of the Ukrainian Red Cross Society, one should take into account Article 16 of the Constitution of Ukraine, according to

which "ensuring ecological safety and maintaining ecological balance on the territory of Ukraine, overcoming the consequences of the Chernobyl disaster – a catastrophe of a planetary scale – and preserving the gene pool of the Ukrainian people is the duty of the state" [10]. It is worth noting that at the level of constitutional and legal norms, attention is focused on the Chernobyl disaster, which, undoubtedly, is one of the largest man-made disasters of humanity; however, in modern realities, world pandemics, global warming, and a full-scale invasion of Ukraine are no less important in the context of humanitarian activity. The emergence of new, even larger challenges caused by climate change on the planet is not ruled out.

It is impossible to ignore the basic law of Ukraine "On the Red Cross Society of Ukraine" of November 28, 2002, according to Article 1 of which "The Society is an all-Ukrainian voluntary public humanitarian organisation. The Society assists the state in providing medical and humanitarian assistance during armed conflicts and in peacetime, participates in providing international assistance in case of disasters and emergencies, and provides medical and social assistance to the least socially protected segments of the population" [11].

No less important in the context of the implementation of internationally recognised standards of humanitarian activity is the Law of Ukraine "On the Symbols of the Red Cross, Red Crescent, Red Crystal in Ukraine" of July 8, 1999. Article 2 of this regulatory legal act stipulates that "during war or armed conflict, the display of the emblems of the Red Cross, Red Crescent, and Red Crystal as a protective sign is a visible indication of the protection provided for by the Geneva Conventions and the Additional Protocols thereto for medical personnel, medical units and medical transport vehicles. The emblems must be as large as possible to ensure their recognition at great distances. The emblems of the Red Cross, Red Crescent, and Red Crystal are used as a distinguishing sign to indicate the affiliation of a person or object to the International Red Cross and Red Crescent Movement. In this case, the emblems must be smaller in size compared to the emblems used as a protective sign and cannot be applied to bandages or to the roofs of buildings. With protective and identification functions, the emblems of the Red Cross, Red Crescent, and Red Crystal can be used independently or in combination with these emblems" [12].

At the Assembly of the International Federation of Red Cross and Red Crescent Societies (October 25-28, 1993, Birmingham, Great Britain), the Society was accepted as a collective member of the International Federation of Red Cross and Red Crescent Societies" [13].

Conclusions. Thus, legal principles ensure the sustainability, comprehensiveness and orientation of humanitarian activities towards compliance with internationally proclaimed principles and values, taking into account the problems and challenges facing all humanity during their implementation.

It has been noted that legal principles are closely related to historical principles. Based on an understanding of the historical origins of humanitarian activities, a comprehensive understanding of the legal principles for

ensuring the humanitarian activities of the Ukrainian Red Cross Society has been formed, the formation of which took place over the centuries, embodying individual cultural, worldview and other attitudes that date back to the most ancient human civilisations.

It has been determined that it is with the help of administrative and legal instruments that the principles defined by the Geneva Conventions are implemented in the management decisions of the leaders of prisoner-of-war camps and commanders of military formations, at the level of whose orders the means and methods of conducting combat operations are determined. In addition, in the activities of the Ukrainian Red Cross Society, administrative and legal norms determine the features of its interaction and coordination with other public authorities and civil society institutions and regulate a number of organisational and managerial processes related to information, personnel, material and technical and other support of various regional and district organisations of the Ukrainian Red Cross.

It has been proven that administrative and legal norms are tasked with the task of maximum assistance from the state to the humanitarian activities of international non-governmental organisations, ensuring transparent and open mechanisms for informing the public about the results of such activities, determining the

procedure for the functioning of administrative procedures and information systems, which are responsible for the normalisation of humanitarian activities in Ukraine, taking into account the specifics of public administration generated by the European integration vision of the state's development, the special security challenges of martial law, etc.

Attention has been drawn to the fact that at the international level, the system of legal principles for ensuring the humanitarian activities of the Ukrainian Red Cross Society considers the provisions of such fundamental international documents as the Universal Declaration of Human Rights and the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in Action. It has been argued that at the international level, the fundamental principles of humanitarian activities, their key goals, and global problems that can lead to humanitarian crises have been determined. It is precisely such provisions of international documents that form the basis of domestic regulatory legal acts. It has been emphasised that at the national level, the system of legal principles for ensuring the humanitarian activities of the Ukrainian Red Cross Society considers the provisions of the Constitution of Ukraine and the Laws of Ukraine "On the Ukrainian Red Cross Society" and "On the Symbols of the Red Cross, Red Crescent, and Red Crystal in Ukraine".

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