

## THE ICRC AND DISARMAMENT

### Introduction

*“What role has the Red Cross played and, indeed, what role can it play, in connection with disarmament?”*, was a question that the Red Cross asked itself during the recent International Red Cross Conference in Bucharest. We felt that this matter called for some serious thought as the special session of the United Nations General Assembly on Disarmament drew near.

*The history of mankind is, alas, a history of wars which constitute a phenomenon to be found in all great civilisations throughout the ages. It has been pointed out that of the 3400 years of recorded history only 250 have been blessed with general peace. But the horrors of war have also prompted a double reaction. On a higher plane, attempts have been made to outlaw war combined with efforts to achieve general and complete disarmament. On a lower plane, war has been recognized as a reality of our age and efforts have been made to offset some of its most devastating effects and to limit as far as possible the suffering it causes. Reverting to disarmament, attempts have been made to forbid or limit the use of particularly cruel or savage weapons.*

*Before turning to the activities of the Red Cross in these respects, we might do well to briefly fill in a little background to the subject.*

### The general background to the problem

The idea of limiting the effects of war by setting certain rules probably goes right back to the origins of warfare itself but the idea of preventing it, of banishing it from the range of human relations, which has today become so very imperative, is relatively recent.

The aim of a universal peace was most certainly, on occasions, pursued in the days of old but only by conquerors who thought that they

could impose their authority on what they believed to be the world. So it was when Cyrus the Great created the Empire of the Medes and the Persians in the 6th century B.C. or when the Romans thought that they could impose the famous "Pax Romana".

But even so, we do find that rules of war existed in nearly all great civilisations. Xenophon, speaking of Cyrus the Great, said, "He was good to his friends and tolerant with those he conquered". Cyrus is also reputed to have ordered that the wounded of the enemy's army be treated with the same regard as those of his own army.

The Greeks generally respected the integrity of the heralds and the inviolability of the temples. They also accepted a prohibition on the use of poisoned weapons and on the poisoning of springs.

The Romans, too, we find, did not allow the use of poisoned weapons or the poisoning of springs. Seneca voiced the precept that prisoners should be spared and another Stoic came up with the famous maxim—"Hostes dum vulnerati fratres" or "Once wounded, the enemy becomes our brother".

If we now turn to India, we find the following verses in the epic Mahabharata poem which forms quite an encyclopaedia written by many poets over several centuries:

"You shall not strike an enemy who is 'hors de combat', frightened and vanquished."

"You shall kill neither the aged nor the young nor yet the women."

"In battle, the warrior shall employ against his enemies neither perfidious weapons nor poisoned arrows nor flaming darts."

In the Islamic civilisation, the Koran distinguishes in fact between belligerents and non-belligerents, ordering that the former should not be attacked. Thus, women and children, the aged, the sick and the weak of mind, the farmers in their fields and the hermits in their cells shall not suffer hostility. Torture and plunder are also forbidden as is the use of methods causing excessive destruction such as fire and flood.

In ancient China, it would seem that a basic distinction was made between civilians and soldiers.

African tradition has much to say on the matter also. For example, women, children and ancients may not be killed, an enemy may not be struck from behind, certain sacred places may not be desecrated and an unarmed enemy may not be killed. The wounded shall be cared for and enemy corpses were usually entitled to be buried.

And then we come to Christian civilization which brings with it a message of love and mercy. However, the conviction that they were

defending a just cause led scholars to elaborate the catastrophic theory of the “just war” that prevailed in the West for many centuries. This theory did have the merit of recognizing that war was an evil which was not to be resorted to lightly, but where it went badly wrong was in claiming that everything (or nearly everything) was permissible in war to he who was defending a just cause—and this, of course, opened the door to the worst abuses. It was not until the 18th century that any real opposition was raised to this concept, mainly by Vattel and Rousseau. We shall close this brief round-up with a quotation from Rousseau’s “Social Contract”, the precursor of the Geneva Law:

“War is not a man-to-man relationship but rather a relationship between States in which individuals become enemies by pure accident, not as men but as soldiers. As the aim of war is to destroy the enemy State, it is permissible to kill those who defend that State as long as they bear arms; but as soon as they lay down those arms and surrender they revert to being simple men and there is no longer any claim on their lives.”

### **Background to the problem within the Red Cross**

The rules mentioned above by way of examples are undoubtedly important but it cannot be denied that they were but very sporadically applied, that they did not result from any treaties, that they were as often as not edicted unilaterally and that their value was simply limited to that of moral precepts. Consequently, the adoption, on 22 August 1864, of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field marked the actual birth of a body of international law to be applied during warfare;<sup>1</sup> as such, it was an event of the utmost importance with which the Red Cross was closely associated. It was, in fact, on the initiative of the Geneva Committee (later to become the International Committee of the Red Cross), which had been founded one year earlier, that the Diplomatic Conference which adopted the 1864 Convention was convened.

However, this was not a measure aimed directly at establishing peace in the world but at reducing the suffering caused by war. Henry Dunant’s first reaction when faced with the suffering of the wounded left to their

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<sup>1</sup> There was, in fact, a multilateral convention in 1856, namely, the Paris Declaration which contained certain rules of maritime law, but it was of very limited scope.

fate at Solferino was a gesture of generosity towards them but this was no revolt against the absurdity of war but rather against the fact that these wounded men were left to suffer and die after the battle for no justifiable reason at all. And so the question that he asked after recounting the terrible suffering he had witnessed at Solferino was simply, "Would there not be some means, during a period of peace and calm, of forming relief Societies whose object would be to have the wounded cared for in time of war by enthusiastic, devoted volunteers, fully qualified for the task?"<sup>1</sup>

So the basic 'raison d'être' of the Red Cross is to care for and protect the victims of war or to devote its efforts to limiting, as far as is possible, the suffering that war causes rather than actually trying to have war itself forbidden.

However, when considering the current attitude that the Red Cross has adopted with respect to disarmament, it should not be forgotten that the world situation has evolved considerably since the movement was first created, and that fidelity to the attitude of the founders does not mean a blind attachment to the letter of their teaching—which would not make for progress—but rather a respect for the spirit of that teaching which requires that the Red Cross continuously adapt to the ever-changing world situation without forgetting its original task. Now, although war was still recognized as a prerogative of national sovereignty back in 1864, this is no longer true today. What is more, the incredible technical evolution of this century has created a far wider gap between the weapons available today and those being wielded in the days of the First Geneva Convention than ever existed between the latter and those being brandished by our caveman forebears. Finally, the Red Cross has, from the outset, considered its effort as a basic contribution to the establishment of world peace despite its initial and fundamental concern for its struggle to limit the suffering caused by warfare rather than to have war banned—and this is important. The proof of this is to be found in this statement made by one of the founders of the Red Cross, Gustave Moynier, on the subject of the 1864 Geneva Convention: "To tread this path is to take a decisive step" which must "result in the absolute condemnation of war. . . Future generations will see warfare gradually disappear. This is dictated by an infallible logic. We are making slow headway but, until we attain our goal, let us applaud

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<sup>1</sup> *A Memory of Solferino.*

as progress anything which helps us on our way. The Geneva Convention is a new milestone on this path to our goal.”<sup>1</sup>

Faithful to the original aims of the Red Cross, the ICRC has, throughout its history, concentrated the bulk of its efforts on relieving the suffering of victims as may well be seen from all that it has done in the field to help the wounded, the sick, prisoners and civilians and in connection with international law, leading to the drafting of the Geneva Conventions of 1864, 1906, 1929 and above all the four Conventions of 12 August 1949 and the two Protocols of 10 June 1977 additional thereto.

The work done by the Red Cross in an attempt to have certain indiscriminate or particularly cruel weapons banned or limited is a logical complement to the work it has done to relieve suffering. A limitation of such weapons is actually aimed primarily at rendering the fate of their victims less bitter.

Here we should recall the appeal that the ICRC made to the belligerents as far back as 6 February 1918 “not to use poisonous gases”. On that occasion the ICRC raised an energetic voice to decry the use of asphyxiating or poisonous gases, that “barbarous innovation, being ever perfected—that is, made more murderous and more sophisticatedly cruel—by science”. Of course, it did realize that it was out on a limb by meddling in the “rivalry in the race for the most destructive and cruel of methods”.

During the inter-war period, the ICRC, supported by the whole of the Red Cross movement, worked constantly on the problem of chemical warfare either by promoting measures for defence against such warfare—and especially aero-chemical warfare—or by trying to have chemical weapons condemned out of hand. The steps it took included the setting up of a Documentation Centre dealing with chemical warfare, and the holding of experts’ meetings. It also supported the efforts which were to lead to the adoption of the Geneva Protocol of 17 June 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare, and it then vigorously and repeatedly encouraged States to sign and ratify that Protocol. The International Red Cross Conferences, moreover, firmly condemned chemical warfare. The “International Review of the Red Cross” has

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<sup>1</sup> “*La neutralité des militaires blessés et des services de santé des armées*”, Paris, April 1867, pp. 84-85.

published many articles on the subject and has even published a regular news report on the matter.

Naturally enough, the ICRC is also concerned, in a more general way, with protecting civilians from bombing raids as can be seen from the 293rd Circular, dated 20 November 1930, in which it asked whether it might not be possible to “specify the rules of international law for protecting civilians located outside the range of artillery from all manner of bombing, or to make such rules more effective and more definite”. On the basis of expert opinions, it appealed to the Disarmament Conference to totally ban air raids.

During the Second World War, the ICRC appealed to the belligerents on various occasions, requesting that they limit their bombing raids to military targets alone, thus sparing civilians, and that they set up safety zones. It also objected, through an article in “International Review of the Red Cross”, to delayed-action bombs.

Then, towards the end of the war, there were the terrible nuclear explosions at Hiroshima and Nagasaki early in August 1945. Here again, the Committee was one of the first to react. Less than one month after those explosions, on 5 September 1945, it sent a circular to the central committees of National Societies in which it stressed the considerable concern it felt with respect to the use of atomic weapons. Stress was laid on the fact that the use of new techniques, born of total warfare, would irresistibly lead to unlimited destruction.

But the Red Cross continued in its efforts after the war. In 1948, and on the basis of an ICRC report, the Seventeenth International Red Cross Conference adopted a resolution calling on States to forbid “non-directed weapons which cannot be aimed with precision or which devastate large areas indiscriminately” and “the use of atomic energy or any similar force for purposes of warfare”.

On 5 April 1950, that is to say shortly after the adoption of the Geneva Conventions of 12 August 1949, the ICRC asked the High Contracting Parties to those Conventions—in a long letter—to take all possible measures to reach agreement on the prohibition of atomic weapons and, in general, “blind” weapons.

In September 1956, encouraged by a resolution which was unanimously adopted by the National Societies at the XXIIIrd session of the Board of Governors (Oslo 1954), the ICRC drew up a set of Draft Rules with the help of a group of experts appointed by the Societies. That Draft was submitted to the Nineteenth International Red Cross Conference which was held in New Delhi in 1957. The Rules were sub-

divided into five chapters and twenty articles and they stipulated, in particular, that attacks should be strictly limited to military objectives and that weapons whose effects could not be controlled should be banned.

It should further be noted that the Twenty-first International Red Cross Conference, held in Vienna in 1965, adopted a resolution on weapons of mass destruction, calling for the conclusion of an agreement forbidding the use of such weapons.

Closer to the present day, the ICRC convened a group of experts on weapons and humanitarian law in 1973 in accordance with a suggestion made at the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, which was held in 1972. The report on the work of that group was published under the title "Weapons that may cause unnecessary suffering or have indiscriminate effects". During the Diplomatic Conference held to adopt the Protocols, the ICRC responded to the request of the delegates by organizing a conference of government experts on the use of certain conventional weapons. This conference was held in two sessions, the first in Lucerne in 1974 and the second in Lugano in 1976. A report was published on each of these sessions.

One of the Committees at the above-mentioned Diplomatic Conference considered what categories of conventional weapons should be prohibited. The principles concerning those weapons were reaffirmed and developed in Protocol I which also makes it clear that before any new weapon be developed, perfected, acquired or adopted, the admissibility of its use be determined. This was already a step in the right direction. However, it proved too early to reach agreement on a set of rules banning or specifically limiting certain categories of conventional weapons; but the Diplomatic Conference did manage to adopt a resolution on the follow-up to this work in which it recommended that a Governmental Conference be convened for 1979 at the latest, to try to reach agreement on this matter.

### **The general problem and ICRC involvement**

All of these efforts form a part of the traditional activities of the ICRC which are to safeguard humanitarian interests in time of war. Yet, even though—as Gustave Moynier said in the above-mentioned passage, back in 1864—the work of the Red Cross contributes to spreading a spirit of peace, the ICRC and the movement as a whole did

wonder whether it should not also turn its energy and good reputation to more directly attacking the root of the evil—war itself. In fact, as it dawns on people that the terrifying weapons being stockpiled in arsenals around the world make peace essential for the survival of mankind, more and more voices are beginning to be raised against the phenomenon of war. Nor should we omit to mention that this was the purpose to which Dunant devoted most of his energy in the twilight of his life, as bears witness, *inter alia*, this extract from one of his notebooks, “Is not the essence of war to kill? So why, therefore, do we not stigmatise war itself?”<sup>1</sup>

This more direct involvement of the ICRC in the anti-war movement means that it has to make itself heard in discussions of the important topic of disarmament. The ambitious project of the UN, to achieve complete and general disarmament, would be possible only in a world blessed with peace and each step towards this goal is a mortal blow struck at war.

Here, it should be recalled that the great hope for a universal peace which spread around the world in the wake of the 1914-1918 war had a deep influence on the Red Cross movement. From then on, the efforts of the National Societies in particular were aimed at caring for the civilian sick, combating disease, developing hygiene and social work.

And then there was the dreadful escalation of the methods resorted to in war which made more apparent than ever the need to put an end to this scourge once and for all and not simply to attenuate its effects. In its above-mentioned circular of 5 September 1945, the ICRC insisted on the fact that “war—which remains an anomaly in a civilised world—has taken on so devastating and universal a character in the jumble of conflicting interests on the different continents that every thought and every effort should be aimed, above all, at making it impossible”.

But direct action aimed at disarmament—as any direct action to achieve peace—is difficult, for the choices it implies are open to objective discussion which could induce States to contest the neutrality of the Red Cross. For example, there are those who maintain that only complete and general disarmament has any sense while others think that progress is to be made by little steps and that disarmament without an effective check would represent a greater threat to peace than over-armament. And then there are those who would start by neutralisation of nuclear weapons while others, basing their defence policy on the

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<sup>1</sup> *A Memory of Solferino.*

nuclear deterrent, claim that such a move would leave them at the mercy of their potential adversaries who have better classical weapons.

But it is obvious that here we are not dealing solely with humanitarian interests as when trying to reduce the suffering of victims of armed conflict, but that there are also elements involved which are vital to the security of States.

But here the Red Cross in general and the ICRC in particular are treading dangerous ground as was pointed out in 1955 by Mr. J. Pictet, one of the current Vice-Presidents of the ICRC, when he said, "Having seen its horrors at close quarters, the Red Cross realizes better than anyone that war is inhumane and as uncharitable as it is unjust. There are few causes dearer to the Red Cross than that of peace. . . . In this matter, like all others, the Red Cross must avoid taking sides as between the Powers. For although all nations love peace, they do not often agree about the manner in which it is to be established or maintained, nor about the form it should assume, and to express one's opinion on questions of world organization is, whether one wishes it or not, to adopt a political position. Were it desired to produce an effect in this sphere, it would be necessary to descend into the arena of nations and parties. . . . If the Red Cross were to launch itself in this way into a struggle for which it was not designed, it would be courting rapid disaster." <sup>1</sup>

So while, when it comes to disarmament, the Red Cross cannot but subscribe to the final, universally accepted, aim of complete and general disarmament, it is difficult for it to support any one means of attaining that aim more than any other.

However, despite that, the Red Cross cannot shut itself off from the evolution of the world around it. To remain true to our principles, as we have already said, means that in our activities we have to be constantly vigilant in order to continuously adapt to new situations. How would young Henry Dunant, whose true vocation was revealed by the horrors of Solferino, have reacted at Hiroshima? Would he not have been possessed by a profound feeling of impotence and despair? Might he not have devoted his energy to opposing war itself, to denouncing its absurdity? Hypothetical though this question is, it may not be useless to ask it, for it is by trying to rediscover the emotional power of that young man at Solferino that the Red Cross, holding dogmatism at arm's length, should seek inspiration for its activities.

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<sup>1</sup> *Red Cross Principles*, Geneva, ICRC, 1956, pp. 67-68.

The atomic weapon has carried us into a new era in which the basic humanitarian stake is no longer to save the victims of war from excessive suffering and to preserve their dignity but to prevent mankind from being annihilated altogether. More and more people are coming round to this way of thinking to which the various pro-disarmament movements which are developing bear witness. The special session of the UN General Assembly on disarmament which is to be held from 23 May to 28 June of this year, is an important step which will provide the world with a large-scale public debate on the subject. We should not forget either the considerable amount of work that the UN and other forums are doing in this connection. Encouraging though these efforts may be, they cannot disguise the fact that armaments have been increasing continuously since the appearance of atomic weapons both in destructive power and in quantity, and that the armaments industry remains, alas, one of the most flourishing activities of our age. Can we, therefore, consider the massive arms deliveries being shipped to all points on the earth's surface as anything other than an act of flagrant defiance of all these efforts?

## **Conclusions**

The Red Cross is aware of the fact that it is of the utmost priority for mankind that the disarmament cause be vigorously defended and that it must take up its position in the vanguard of this battle. In fact, last year at the Twenty-third International Red Cross Conference, it once again reaffirmed its mission as being "to contribute to a lasting peace in the world" (Resolution XII). However, it can take no stand on the methods to be used in achieving disarmament without endangering one of its basic principles, that of neutrality. So it has to act in a general way as it has already done by associating itself, through various resolutions adopted by its international conferences, with the desire for general and complete disarmament which has so often been expressed at the UN.

As for the ICRC, well, it must continue, of course, first and foremost to put its heart and soul into helping the victims of war. Nowadays, it is harder than ever to make people aware of and to implement the basic idea that a war victim is no longer an enemy but simply a man, deserving of respect and protection. Furthermore, the strict application of humanitarian principles during conflicts is essential to the cause of peace for it reflects an open-minded and tolerant attitude without which this cause could make no progress. It is, therefore, obvious that the Red

Cross is working for peace in its efforts to have these principles applied and to spread this attitude.

But it has now become vital that States also should adopt this attitude of open-mindedness and tolerance when talking of peace and disarmament. The terrible threat of annihilation by mass destruction weapons looming over mankind leaves us with no choice other than that of peaceful coexistence, which has become imperative for survival.

The ICRC certainly exercises no direct influence in discussions aimed at establishing lasting universal peace or in negotiations with a view to achieving general and complete disarmament. However, it can still proclaim its horror at the present situation, indeed it is duty-bound to do so on behalf of the millions of victims who suffered and died in the wars that it has witnessed, and it may also express the earnest hope that States will do all in their power to extricate themselves from the deadlock which could prove fatal for mankind.

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