

BOOKS AND REVIEWS

MAXIMILIAN REIMANN: "QUASI-KONSULARISCHE
UND SCHUTZMACHTÄHNLICHE FUNKTIONEN DES
INTERNATIONALEN KOMITEES VOM ROTEN KREUZ
AUSSERHALB BEWAFFNETER KONFLIKTE"¹

There are often people who lack diplomatic or consular protection. For example, there are those who live in a country which has completely broken off relations with their own country or, again, those whose country has ceased to exist as a State and is therefore unable to afford its nationals protection. The International Committee of the Red Cross has on many occasions concerned itself with such victims, intervening on their behalf, attending legal proceedings in which they were involved or which were being brought against them, or providing official documents. In short, it has carried out activities which can be described as quasi-consular, and this it has done, on behalf of persons not protected by the Geneva Conventions, in countries not at war.

These activities are worthy of careful study. Do they not, in fact, go far beyond what are commonly called the traditional tasks of the ICRC? Mr. Maximilian Reimann deserves to be thanked for having made those activities the subject of a book published by the Henry Dunant Institute in its collection entitled *Etudes et Perspectives* which already includes such books as *Colloques sur l'Etat moderne et la Croix-Rouge* and *La Naissance de la Solidarité Croix-Rouge*.

The author starts with a minute analysis of three situations selected from among a great many. First, he considers the action of the International Committee on behalf of the many foreigners who settled in Russia and whose own government severed diplomatic relations with that country as a result of the October Revolution. That mission, about which very little has been made known, continued for a great many years, and the author relates a number of facts of which the public has long been unaware.

¹ Verlag Arnold Fricker AG, 5262 Frick, 1971, 113 pages.

Secondly, he refers to the somewhat strange case of a large number of German prisoners of war who, in 1947, were offered the status of civilian workers and with whom the ICRC concerned itself up to 1951. There again, the International Committee performed a notable task, one which, owing to its extent and novelty, constituted a precedent of the highest interest. The third example given is that of the assistance rendered, from 1961 to 1963, to Netherlands nationals living in Indonesia.

Mr. Reimann shows that the ICRC is trying to fill what amounts to an institutional and legal vacuum, and his observations, based as they are on a careful and unfailingly objective study of events, have led him to formulate proposals which deserve to be considered by international legislators. How can one do otherwise than wish that this may result in an extension of the Geneva Conventions, thereby enabling the ICRC to base its action on law and to act more rapidly and effectively on behalf of persons in a sorry plight? There have been, and there still are, many such persons—men, women and children—and the steps taken by the ICRC on their behalf, by virtue of its “right of humanitarian initiative”, have stemmed from situations which the author sums up thus:

- The absence of diplomatic protection at a time when relations are severed between two States;
- The absence of a Protecting Power;
- Non-application of the four Geneva Conventions;
- The absence of any special agreements on the legal protection of foreigners belonging to specific groups.

The authors considers that, owing to its special qualifications “as a neutral and independent quasi-Protecting Power”, the ICRC should be allowed a wider field of action, and to show the necessity of extending its scope Mr. Reimann studied and described in this remarkable book this lesser known aspect of a humanitarian institution which, because it carries out its activities at an international level and under conditions which are frequently parlous, must maintain a discreet reserve. Yet its role is precisely to act on behalf of those who have no protection other than that afforded by the Red Cross.