

HUMANITARIAN PRINCIPLES AND POLITICAL REALITIES

On 25 October 1986, the suspension of the South African government delegation from the Twenty-fifth International Conference of the Red Cross jeopardized the principle of universality whereby all States party to the Geneva Conventions consequently attend the Conference.

It would be tempting—and far too facile—to judge the outcome of the Conference solely by this momentous decision, and see it as portending ill for the International Red Cross and Red Crescent Movement.

If we share the ICRC President's conviction that the situation thus created must not constitute a precedent (see also page 327), we must now keep things well in perspective and, after the initial shock and distressing scenes, reflect upon the events and circumstances which led up to this very exceptional Conference to try and make a first objective assessment. The outcome of the Twenty-fifth Conference is neither as good as could be hoped, nor as bad as could be feared.

*
* *

For the first time since 1925, the International Conference met in Geneva. The city of Henry Dunant and the cradle of the Red Cross Movement, Geneva is also the European seat of the United Nations. The combination of these two factors is one of the reasons why this particular Conference was far more critical to handle than the previous ones. Most of the government representatives were either members of the permanent missions in Geneva or diplomats sent by their respective capitals, and were therefore professionals in multilateral diplomacy. This resulted in particularly vigorous and intense debates on agenda items of particular concern to governments. For the first time in years, the International Conference of the Red Cross was thrust into a world of political realities, from which it had so far been relatively "shielded".

The question of apartheid and events in South Africa, which had received extensive coverage by the media in recent months, deeply influenced the course of the Conference. What had been a mere foreboding in early 1986 gradually became a certainty in September: the International Conference of the Red Cross was likely to have to face a motion by the African group to expel South Africa from the Conference.

Solutions were envisaged, lines of action proposed and numerous steps taken by the Standing Commission of the International Red Cross, the ICRC and the League, as well as by Swiss diplomats and the African States. Intensive discussions were held in Geneva and in several capital cities. During the days that preceded the Conference, United Nations and International Red Cross circles in Geneva kept in constant touch, each trying to find a solution acceptable to all and anxious to prevent the Conference from foundering.

Just before the opening of the Conference, the General Assembly of the League of Red Cross and Red Crescent Societies had in fact scored a major victory in safeguarding the universality of the Movement, by confirming the South African Red Cross Society's legitimate membership thereof, since the Society complies with the principles of humanity, impartiality and neutrality. Fortunately, this position was not challenged in any way by the International Conference.

This was not to be the case for the South African government however: although South Africa was a rightful member of the Conference, being a party to the Geneva Conventions, the South African government delegation was suspended from taking part in its work by a roll-call vote: 159 votes were cast in favour, 25 against, and there were 8 abstentions; 52 delegations did not participate in the vote (see also page 326).

During the discussions that preceded the vote, two main lines of thought emerged:

- *The first advocated the urgent need to preserve the universality of humanitarian law, saying that it applied essentially in conflict situations and therefore could not possibly meet discrimination by further discrimination. Delegations upholding this point of view, which included the ICRC, felt that it was of vital importance to preserve the haven of dialogue which the Geneva Conventions and the International Red Cross represent in the midst of the battle. Many delegates moreover emphasized how dangerous it would be to set a precedent which, with one suspension after another, might ultimately lead to the total destruction of a Movement so patiently built up over 125 years.*

Besides, even if it were not a matter of formally excluding South Africa but of simply challenging the legitimacy of its representation, the result would be the same, because deciding on the "representativeness" of government delegations inevitably led to inextricable political discussions.

The other tendency that emerged from the discussions and which ultimately prevailed, was that apartheid was a case "sui generis" for this group, apartheid was such a fundamental violation of the very essence of human dignity that the representatives of African States (and of many other nations throughout the world) could not possibly be expected or required to sit in the same room as the delegation of a regime upholding a policy deemed to be based on racist principles. They considered that the South African government simply had to be suspended, in the name of human dignity which the Red Cross claimed to defend in all countries; such a decision was, they thought, in line with the course of history, and the future would show that the Movement had thereby finally gained complete credibility in the Third World. Failing this decision, they themselves could not continue to take part in a Conference that permitted the presence of representatives of such a regime.

*
* *

The image and memory of the Conference will undoubtedly be marked by this event, but it is also remarkable that the decision (voted under tumultuous conditions, by a roll call whose validity was contested by delegates demanding a secret ballot) paradoxically had a positive influence on the work that followed. Under the emotional impact of what had ensued, the heated discussions and tense proceedings that led up to the dramatic conclusion, the Conference felt the need to demonstrate its unity in discussing the two major items on its agenda: respect for international humanitarian law and the approval of new Statutes for the International Red Cross and Red Crescent Movement.

The first signs of the Conference's resolve to demonstrate unity and cohesion appeared during the examination of the new Statutes of the Movement by the Commission concerned: The draft submitted by the League and the ICRC was the outcome of an arduously negotiated consensus; the text as a whole had achieved fairly general

support, but could very well be called in question if one of its fundamental provisions were amended. So when one National Society delegation suggested refraining from requesting any changes if the text were adopted as it stood, some 40 delegations from all over the world spontaneously supported this suggestion. The proposal was in fact enthusiastically adopted by all the delegations, thus proving the Movement's capacity for consensus and harmony at a time when its very existence was most seriously threatened. The plenary meeting that followed showed the same enthusiasm in confirming the decision.

The resolution submitted by the ICRC on the urgent question of respect for international humanitarian law and support for the ICRC's activities in situations of armed conflict will probably also benefit from the Conference's will to regain unity in striving towards a common goal. In the draft resolution, the International Committee had mentioned some fifteen armed conflicts in which it had little or no scope of intervention, particularly for the protection of prisoners of war. Other drafts referring to the same situations were submitted by various delegations.

Following protracted negotiations between government representatives, it was agreed to settle for a single resolution which no longer cited any country by name, but which emphasized the problems encountered by the ICRC in the course of its activities and appealed to all the parties to the conflicts mentioned in the reports on ICRC activities to respect fully their humanitarian commitments. Surprisingly enough for a resolution of this type, it was adopted by consensus without being put to the vote.

The Conference has many other achievements to its credit: they can be found in the approximately 30 resolutions which, it should be stressed, were adopted by consensus (see also pp. 340-388).

*
* *

Admittedly the principle of universality was not respected at this Conference, since not all the States party to the Geneva Conventions were able to take part. After the decision reached by the Conference, the South African government notified the ICRC—which had not, however, taken part in the contentious vote—that its delegation in South Africa must suspend its activities (although this suspension did not in any way entail breaking off existing relations or cancelling the agreement between the South African Government and the ICRC).

Whilst there is every cause to be glad that the South African authorities finally reconsidered their position at the end of November and confirmed that the ICRC delegates could remain in South Africa and resume their activities there, the suspension of the South African government delegation to the Conference has nonetheless severely shaken the whole Red Cross structure based on the universality of the Fundamental Red Cross Principles and of humanitarian law.

Some delegates considered that despite their unanimous rejection of apartheid, the suspension of the South African government delegation cast in doubt the very meaning of such a Conference, namely to provide an opportunity for discussions between all governments bound by the Geneva Conventions, even—and especially—when they stand in violent opposition. Let us not forget that governments at war were all gathered together in the same conference hall.

Other delegates, on the other hand, felt that the fact that the International Conference was able to handle the very specific case of South Africa by maintaining the presence of the South African Red Cross, while suspending South Africa's government representatives marked its entry once and for all into the world of objective international reality and was a step forward towards more active protection of human dignity.

In short, opinions were divided between universality defeated and human rights triumphant. But perhaps it is hardly surprising that humanitarian concerns should one day come up against political considerations, at a time when the International Conference is a reflection of a society in turmoil the world over, prone to the constant clash of different sets of values. This is a problem well worth in-depth consideration.

Constructive lessons must now be drawn from the events that shook this Twenty-fifth International Conference of the Red Cross, the outcome of which is by no means negative. It is up to the entire Movement to do so by being open to discussion and mutual understanding, resolved to maintain what makes it strong—its unity.

The Review