

A Contemporary Look at the International Committee of the Red Cross ¹

by Max Petitpierre

Red Cross Principles

The International Red Cross is an organization of three constituents. The oldest is the International Committee of the Red Cross (ICRC), founded in 1863 by five Geneva citizens following the publication of Henri Dunant's *A Souvenir of Solferino*. The second is made up of the National Societies of the Red Cross, of the Red Crescent—in the moslem countries—and of the Red Lion and Sun in Iran. There are 114 such societies. There may be only one in each country. (In Israel there is a society similar to a Red Cross Society but it has not yet been admitted into the International Red Cross because its emblem—the Jewish Star—has not been accepted by the International Conferences.) The third constituent is the League of Red Cross Societies which was founded in 1919 and which is the federation of the National Societies. It too has its headquarters in Geneva. Its mission differs from that of the ICRC but the two institutions are linked by an agreement and they co-operate closely in certain cases. The ICRC also co-operates frequently with the National Societies which maintain direct connexion with it.

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From its beginning the ICRC has been a private institution to which public functions have been attributed, which is something exceptional and may be considered “ the welcome consequence of general consent which places the humanitarian idea above political contingencies and accepts it as the acme of civilization ”. The ICRC is international only in action, not in composition. It is in fact a committee of Swiss citizens recruited by co-optation. Membership is limited to 25. It was not founded by an international treaty but it is well established in the Law of Nations. Its mission has been recognized to a great extent in the Geneva Conventions. It decides its own form of organization and its working methods. It is bound by the Red Cross Principles of which it is the guardian and of which particular mention should be made of the following:

(a) Impartiality, which demands that the Red Cross should have no bias and should discriminate against no one on the basis of race, nationality, religion, social condition, opinions or even responsibility for suffering inflicted or sustained.

(b) Neutrality, which is in many respects analogous to, but goes further than, the neutrality of Switzerland. The Red Cross must at all times remain aloof from political, racial, religious and ideological controversy. The Red Cross bodies, and their officials in the discharge of their duties, must, no matter how great the effort, avoid any stand which might jeopardize the success of their work. Strict observance of this concept sometimes gives rise to criticism. Some people would wish the ICRC in certain circumstances to protest publicly against acts contrary to the Law of Nations perpetrated by a government. This comes from ignorance of the function which the ICRC is called upon to discharge. It is not a dispenser of retribution. On the other hand, it has a duty to intercede with governments on behalf of victims entitled to the protection of the Geneva Conventions. Likewise, it may protest against inhumane measures but rarely may it do so publicly. It may and indeed must if necessary remind governments, publicly or otherwise, of the principles they undertook to respect when signing the Geneva Conventions.

(c) Independence, which demands that the ICRC be linked to no established authority of an international organization or of a

national government. As its neutrality forbids its interference in politics, so does its independence require it to prevent any inroads into its own sphere.

(*d*) Universality, which means that its work should reach all men in all countries. It is to the credit of the Red Cross that it has, in its own sphere, given tangible form to that universality which the most noble civilizations and religions conceived of but were unable to bring about.

ICRC Activities

The ICRC is not the whole Red Cross, many of whose duties today have nothing to do with war, are of a social and civilian order, and are assumed by National Societies which have become genuine public services. The many activities of the Swiss Red Cross, for example, are well known.

Initially the work of the ICRC was connected with inter-state war. This is still the subject of the Geneva Conventions of 1949, one single article of which, Article 3 common to each of them, applies to armed conflict not international in character, for instance, civil war.

The work of the ICRC is not particularly well known because it does not lend itself to the sensational and is generally carried out discreetly. It varies widely and, since the end of the Second World War, the ICRC has almost constantly been present in those regions of the world where trouble has occurred.

In the Near East, during the 1948 Palestine conflict, the ICRC had in action teams of doctors and nurses who kept the hospitals running, collected the wounded on the battlefields, and established a safety zone at Jerusalem.

More important still, the ICRC, immediately after the fighting, provided entirely for the needs in food, shelter and medical care of 500,000 Arab refugees. It was able to do so thanks to the relief supplies, to a value of some 144 million Swiss francs, made available by the United Nations Organization. It may therefore be said that the ICRC is sometimes the emergency agent of the United Nations, due to its ability to "mobilize" quickly.

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The Suez war of 1956 was the first since the 1949 Geneva Conventions came into effect. The ICRC was able to carry out its work more or less normally and in addition was for a long time kept busy by the sequel of that war, particularly in arranging the migration of stateless persons forced to leave Egypt.

In the 1967 "Six Days War", opposing once again Israel and the Arab countries, the ICRC was able to carry out its mission in an entirely normal way and continues to do so today since hostilities have not yet finally ceased. On the whole, the Geneva Conventions have been applied by the belligerents so that the ICRC delegates have been able to carry out their traditional function everywhere. As it is, in a manner of speaking, a standard type of action, we might usefully stop to consider it for a moment. This war did not take the ICRC unawares. Indeed it had sent delegates out a dozen days before the outbreak of hostilities. During the first six months it had thirty delegates in action and the services of an aircraft which was a daily link—and the only one—between Israel and its enemies. At the beginning, emergency action for the war casualties was required. This took the form of large consignments of medical material which contributed to the saving of many lives. The ICRC next negotiated and carried out the repatriation of the seriously wounded casualties. All prisoner of war camps were visited regularly. The Central Tracing Agency received lists of the captives. The ICRC was able, with its aircraft, to provide a mail service between prisoners and their families and also to convey relief parcels. It soon arranged for the rapatriation of some of the prisoners. The exchange of the last groups of prisoners between the United Arab Republic and Israel took place at the beginning of 1968. The ICRC also took part in the rescue of Egyptian servicemen in distress in the Sinai peninsula just after the cease-fire. Military operations displaced some 300,000 persons in Jordan and Syria. In order to help these victims, the ICRC appealed to the National Red Cross Societies and itself sent relief supplies to a value of 4 million Swiss francs. The League of Red Cross Societies then took over this action in Jordan. The ICRC attended to the return of refugees to their homes. After arduous negotiations, it finally arranged the repatriation of 15,000 persons. The ICRC delegates also endeavoured to exert a moderating influence in the Arab countries where Jewish

communities were in danger. In the territories occupied by Israel, the ICRC is the only institution able to check up on the application of the Fourth Geneva Convention under which the population should be permitted progressively to resume its normal economic and social life. Such supervision of living conditions (food supply, hygiene, legal proceedings, etc.) of a whole population is a heavy burden which should normally be incumbent upon a Protecting Power. But in this conflict there has been no Protecting Power, the Arab countries not recognizing the legal status of Israel as a State. Faced with this barrier, the ICRC has endeavoured to extend its usual humanitarian work, although unable to substitute for a Protecting Power. In many respects it has received the necessary facilities from the responsible authorities who have, nevertheless, left "open" the question of the application of the provisions of the Fourth Convention. In other ways, the ICRC has not been able to intervene effectively. It has not, for instance, been able to ensure a cessation of the destruction of property and the eviction of persons, both of which are forbidden by that Convention. On the other hand, it has been able to ensure the exchange of news between members of families separated by frontiers, as well as the remittance of money under an inter-family financial aid scheme.

The Yemen, where fierce civil war has been raging since the end of 1962, is one of the few countries where the Red Cross and the humanitarian principles had not previously penetrated. There was not a single Yemeni doctor and it was an ancestral custom to finish off wounded casualties and to kill prisoners of war. The ICRC has managed to have these practices abandoned. In addition, it set up in the heart of the desert the tents of a hundred-bed field hospital with its own operating theatre and in which 1700 persons were treated as in-patients and more than 60,000 as out-patients.

Under the peace treaty between the USA and Japan in 1951 the ICRC was entrusted with the distribution to former prisoners of war in Japanese hands of the reparation payments made by Japan. This work, involving 65 million Swiss francs, took years but has now been completed.

The ICRC fulfilled in Japan another role which was new to it. At the request of the Japanese Government it supervised the repatriation of Koreans wishing to leave Japan. It ensured the freedom

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of choice of all the more than 80,000 persons who returned to North Korea.

In the Indian Subcontinent, the ICRC was on several occasions able to ensure the general application of the Geneva Conventions; in, for instance, the war between India and Pakistan and in the Goa incident. During the war between China and India towards the end of 1962, it was able to carry out its work only on the territory of one of the belligerents, namely India.

The war in Vietnam is complex, being both internal and international, a conflict which the Government of the Democratic Republic of Vietnam has always refused to recognize as a war justifying the application of the Geneva Conventions and the intervention of the ICRC, arguing that its country was the victim of brigandage by the USA. While contesting the applicability of the Third Geneva Convention and denying prisoner of war status to American pilots whom it considered should be treated as criminals, the Hanoi Government stated it would treat prisoners humanely. The National Liberation Front of South Vietnam adopted a similar attitude. On the other hand, the Republic of Vietnam and the American authorities declared that they would apply the Conventions and authorize the ICRC freely to visit the prisoners of war, collection centres and camps, and to talk in private with the prisoners. The ICRC delegates have also been allowed, with some restrictions, to visit prisons in which civilians are detained for reasons connected with hostilities. In Indochina, the ICRC has been active for several years, in Laos where civil war is raging and in the Khmer Republic where the situation is constantly confused.

In Africa the ICRC has intervened several times. In Kenya, in 1959, when the Mau-Mau were engaged in tribal warfare against the government, its delegates visited all the captive Mau-Mau, numbering some 35,000. They obtained the suppression of corporal punishment. Since that time they have done the same in Nyasaland.

From the outset of the conflict in Algeria in 1956, until the Evian Agreements in 1962, the ICRC was authorized by the French Government to visit the camps in which many people were detained. Its delegates were therefore able to contribute to the improvement of detention conditions. The ICRC was also able to contact the

Army of National Liberation, and thereby to obtain the release of a number of prisoners held by that army.

In the Congo, during the disturbances which attended independence, the ICRC, apart from its traditional work of seeking missing persons and visiting detainees, undertook a new activity at the request of the United Nations and with the help of the National Red Cross Societies and the League, namely the forming of medical teams to run a number of hospitals in the Congo which the Belgian doctors had been suddenly obliged to leave. Some hundred doctors and nurses from a score of National Red Cross Societies took over, with considerable courage. One ICRC delegate and his two assistants were killed in this operation.

In South Africa, where there is neither armed conflict nor guerilla warfare, but where the segregation policy is the cause of tension, resulting in arrests and imprisonment, the ICRC has been able to assume an activity going outside its normal scope. It obtained from the government in Pretoria the authorization to visit political detainees and ensure that they are well treated.

But the most important and spectacular ICRC action on the African Continent was in Nigeria during the war of 1967-1970 between the Federal Government and the secessionist region. This operation was spectacular because of the feeling aroused throughout the world by the tragic situation endured for many months by a population cut-off from the rest of the world and to which it was not possible to send needed relief although it flowed in from all quarters. This civil war, in which one to two million people perished, gave rise to the largest humanitarian undertaking by the ICRC since the Second World War, and also the most thankless. No other has caused it such difficulty or cost more in effort and money. The ICRC began its work immediately hostilities broke out. For a long time it was the only organization providing relief. It visited prisoners of war, forwarded family messages and tended the wounded. In the hospitals, its medical teams performed prodigies of work, each day saving human lives. In addition, the ICRC in Geneva constantly reminded the parties of the humanitarian principles they should respect. For the first time in Africa, a military government, namely the Government of Nigeria, distributed to its troops a code of conduct based on the Geneva Conventions. However, it was the

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material relief aspect of the ICRC action which assumed an unprecedented scale. The secessionist region was soon encircled and invaded by a whole population fleeing before the advancing enemy. There was famine in a short time, first affecting the children but rapidly extending to the whole population. It was against Red Cross principles for the ICRC to "choose" one of the two belligerents, as was done by other institutions which were not bound by those principles. There were indeed a large number of persons in need on both sides of the front. The ICRC therefore had to set up a twofold organization which, of course, was only possible with the agreement of both parties. Had it acted in the secessionist region without the consent of the Government in Lagos, the ICRC would not have had access to Federal Nigeria. It could not ignore the blockade of the secessionist enclave. The Fourth Geneva Convention of 1949 makes provision, in the case of blockade, for certain exceptions but confers on the blockading power the right to supervise transports, to ensure that they do not convey contraband, weapons and munitions. For some time the Nigerian Government tolerated the ICRC mercy flights over its territory taking relief to the besieged population. In June 1969, however, it put an end to that tolerance and the Nigerian air force shot down a Swedish Red Cross aircraft operating under ICRC responsibility. The four members of the crew were killed. The Nigerian Government also withdrew the co-ordinating mandate which it had previously permitted the ICRC to perform on its territory. The ICRC immediately undertook negotiations with both belligerents with a view to finding a solution enabling it to resume its flights. The negotiations were long and laborious and reached no result, each party stipulating conditions which the other refused. The ICRC's action was almost completely paralysed. Other organizations continued to send relief to the secessionist area by forcing the blockade. The ICRC was criticized for not doing likewise, but its position was entirely different. Those organizations were working for only one of the parties, namely Biafra, whilst the ICRC was also active on the federal territory. They were, moreover, not bound by the Geneva Conventions like the ICRC. How could the ICRC ask governments to apply the Conventions, its own every-day task, if it did not itself observe them strictly? Nevertheless, the ICRC's

work produced substantial results. It forwarded to Nigeria 120,000 tons of food-stuffs and medicines (91,000 tons for a million persons in federal territory and 29,000 tons for a million and a half in the secessionist area) generously supplied by several governments, National Red Cross Societies and other charitable organizations. In addition to the ICRC's action there was also the large scale operations conducted in the secessionist area by the Christian Churches. The ICRC also ran 5 hospitals and 53 dispensaries and it co-ordinated the work of 45 medical teams. It vaccinated two and a half million people against smallpox and many others against measles and tuberculosis. The value of relief distributed amounted to almost 500 million Swiss francs. The expenses amounted to 50 million. They were so high because the ICRC was compelled to transport everything for the secessionist area by air. The air-lift operated for nine months. Fourteen ICRC delegates and pilots were killed on duty. At the end of the conflict, the Government in Lagos declared its desire to take over the relief operations which had to be continued in spite of the end of the hostilities. The ICRC withdrew, handing over to the Nigerian Red Cross all its equipment and some 20,000 tons of food. Despite all the obstacles encountered, the ICRC intervention was decisive in ensuring the survival of the population.

In Latin America there is no war going on but in several countries where there is high political tension and guerrilla warfare the ICRC's activity has been adapted to local conditions. It consists essentially in attending to the welfare of political prisoners but is meeting with difficulty because some countries deny the existence of such prisoners, claiming that all detainees are common law criminals. Nevertheless, during the civil war in Santo Domingo, in 1965, the ICRC arranged a 24 hour truce between the parties with a view to evacuating the wounded. The United Nations was able to arrange a prolongation, first provisional, then final, thereby restoring peace.

During the Cuba crisis in 1962, the ICRC received an unexpected request. In agreement with the American, Soviet and Cuban Governments, the UN Secretary-General, U Thant, asked it to co-operate by inspecting vessels bound for Cuba, then under blockade by the USA. The ICRC was asked to recruit some 30 inspectors for a month in order to carry out this supervision. In other words,

the ICRC was invited to assist in measures designed to end an acute conflict and ward off the threat of atomic war. This mission did not come within the conventional and treaty obligations of the ICRC's humanitarian mission. Nevertheless the Committee considered it could not shirk the issue and it replied affirmatively subject to conditions, one of which was that the supervision would not be carried out under the emblem of the Red Cross. In fact, there was no sequel, as the parties came to terms. Several days after U Thant's request, Mr. André François-Poncet, former minister and then President of the French Red Cross, wrote in *Le Figaro*: "By a process of elimination, it was observable that at present in all the world there is only one authority which is not mistrusted by anyone and whose impartiality, neutrality and loyalty are recognized by all, that is, the International Committee of the Red Cross, the ICRC".

In Europe too the ICRC had duties to perform, some the consequences of the Second World War. Since 1955, for instance, it has managed the International Tracing Service at Arolsen in the Federal Republic of Germany. This service, which employs 250 people, assembles information on persons deported or missing in Germany during the war and under the national socialist regime. It has 20 million index cards and still deals with thousands of cases each month.

The ICRC is still the intermediary for the payment of indemnity to the victims of pseudo-medical experiments carried out in Nazi concentration camps where those victims reside in countries with which Bonn does not have diplomatic relations. For this purpose the ICRC had to appoint a commission of neutral experts, including one of its own doctor members, which decides on each case's right to indemnity.

During the 1956 up-rising in Hungary and the months which followed it, the ICRC was the only international institution authorized to enter the country. It was not able to modify the severity of the conflict or act for the benefit of political detainees, but it was able, with the help of the Hungarian Red Cross, to organize a large-scale distribution of relief supplies to the needy population. This relief, to a value of 85 million Swiss francs, came from the great surge of generosity which was aroused in Europe. In Budapest,

66,000 children received a meal each day, while every night 7,000 parcels were made up for adults.

After the civil war which ravaged Greece in 1945 and 1946, the Greek Government, although bound by no legal obligation, authorized the ICRC to visit political detainees and to deliver relief to them and to their families. This work was carried on and even increased, and in November 1969 the ICRC set up in Athens a permanent delegation which brought about the evacuation of some camps and the release of many detainees. At the same time it even reached an agreement with the Government authorizing its delegates to visit all places where political detainees were held, including police stations, a thing unknown anywhere else.

The limits of ICRC action

This account, which is by no means complete, shows how varied are the duties to be assumed by the ICRC. It also makes clear that the International Committee is at the service of a multitude of people of all races, religions and nationalities; victims of war or political events who, more often than not, may look to no one else for protection.

The ICRC's scope, originally restricted to tending the wounded and the sick and protecting prisoners of war, has constantly expanded. It is derived from three sources. The first is the four 1949 Geneva Conventions which have been ratified by 128 States. The purpose of the First Convention is to improve the plight of the wounded and the sick of armies in the field, that of the Second is to improve the lot of wounded, sick and shipwrecked forces at sea, the Third relates to treatment of prisoners of war and the Fourth the protection of civilians in time of war. The second source is the mandates which may be assigned to it, in agreement with the parties concerned, during or after an armed conflict. The third source is the ICRC's own right of initiative in assuming operations which are not provided for in the Conventions but which it may undertake with the agreement of the governments involved. It has taken such initiative for the benefit of political detainees who may or may not have taken part in armed actions.

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The ICRC has always taken a very broad view of its mission and has never feared to assume new responsibilities when dictated by the needs of mankind.

But the ICRC's scope depends also to a great extent on the confidence placed in it by the governments with which it must deal and whose consent is necessary to enable its delegates to work in the field. Cases in which its intervention has not been permitted are exceptional and generally motivated by political considerations, considerations which are foreign to the ICRC.

The ICRC nearly always finds the material and financial means to discharge its duties. It is helped in this by the National Red Cross Societies with most of which it is in constant touch, by governments, occasionally by other organizations which supply not only funds and equipment (medicines, food-stuffs, transport facilities, and so on), but also personnel (doctors, nurses, etc.). When the work involves supplying material relief, which is not one of the essential obligations of the ICRC, it co-operates closely with the League of Red Cross Societies except where it is imperative for intervention solely by the neutral organization, namely the ICRC.

The restrictions to ICRC activity, or rather the difficulties it encounters, are of an entirely different order.

The most important arises from the fact that the humanitarian law, the Geneva Conventions, is, like the major part of the law of nations, almost devoid of sanctions. That means that its application depends largely on the good will of the governments and military commanders involved in a conflict. The ICRC may intervene only so far as the governments and military authorities permit, and respect their commitments undertaken on the signing of the Geneva Conventions. However, it happens that governments contest the applicability of the Conventions as a whole or a part thereof. The ICRC can then carry out its mission only imperfectly. As reciprocity is not a condition for the application of humanitarian law, the ICRC may be compelled to assist only prisoners who are nationals of the belligerent which refuses to allow it to intervene on its territory.

It also happens that where the applicability of the Geneva Conventions is not contested attempts are made, by refusals, by shilly-shallying, by deceit, instead of facilitating ICRC action, to

avoid obligations under the Conventions, such as permitting visits to prisons and the interviewing of prisoners without witnesses. It might also occur that arrangements agreed upon with high authorities are not carried out as they should be by subordinate bodies.

The ICRC delegates' work in the field demands patience, determination, obstinacy and incessant efforts. This is due to the fact that all these delegates are always the enemy's defenders and protectors. It is for the enemy that they intervene, in international or civil war, or for political detainees who are hostile to the establishment; and the attitude to an enemy is rarely friendly. Modern methods of warfare such as air raids which cause havoc among the population, devastate towns and harvests and reduce fertile fields to semi-deserts, exacerbate hate and the thirst for revenge. Delegates are likely to be considered as nuisances or embarrassing witnesses.

Nevertheless, it must be admitted that, generally, ICRC intervention very rarely comes up against opposition on principle, even where there is little enthusiasm for facilitating its work. A government refusing to admit ICRC intervention generally proclaims that it will treat enemy prisoners humanely. Although humanitarian law has not become part and parcel of established customs and is not applied as it should be, it is at least rarely openly and cynically defied, except by small groups of fanatics who, to achieve their aims, do not hesitate to commit crimes such as the kidnapping of innocent persons, the taking of hostages and even murder.

Publicity

One of the most delicate questions facing the ICRC is that of the publicity which it should or may give to its work. The question is more topical today than formerly in view of the development of radio and television which, except in countries where these media are controlled, enable everybody to keep track of events wherever they occur. As a result, curiosity today is far keener than formerly and is sharpened by the daily spectacle on television of the suffering caused by war. Although some ICRC activities adapt or even thrive on these new communications media, others, to be effective, must still be carried on with discretion.

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The reserve maintained by the ICRC is the fruit of long experience. It sometimes gives rise to criticism. A few months ago, for instance, a French politician, on the release of a Greek communist, stated that he would endeavour to do better than the Red Cross, whose great weakness in his opinion was that it did not publish the facts which it knew. However, to my knowledge, all he obtained by his publicity—and perhaps in spite of it—was the release of one man. The ICRC, on the other hand, with less limelight, through discreet but persistent action, has obtained from the Greek Government advantages for large numbers of prisoners and was even able to reach with it an agreement going far beyond the obligations which the Geneva Conventions place upon a government.

It may be thought that by making known all the unpleasant facts observed by its delegates, the ICRC would mobilize public opinion against a government and would compel it to come to terms. This is wishful thinking. The most obvious result would be a general stiffening of the attitude of the government concerned, perhaps even to the point that it would refuse to have anything more to do with the ICRC and thereby undermine any results which had been achieved. Publicity could be considered only if there were an international moral standard to which States subordinated their political interests and which would induce them to apply sanctions against governments which did not respect the Geneva Conventions.

Persuasion is the ICRC's only weapon. It must therefore increase its efforts to bring about an end to situations which are incompatible with humanity. Only exceptionally, and when there is no longer any hope of reaching a result, may it give facts publicity which would be tantamount to condemnation.

Development of Humanitarian Law

Apart from these activities in the field wherever there are victims in need of assistance, the ICRC has another duty, one which is extremely important; the promotion of humanitarian law. It has always assumed this on its own initiative, but it is a task which has been entrusted to it also by International Conferences of the Red Cross which are held in principle every four years and

are attended not only by the ICRC and the League but by representatives of governments and National Red Cross Societies. The Geneva Conventions of 1949, like those they replaced, were drawn up from drafts produced by the ICRC with the help of legal experts from many countries. Today, this humanitarian law needs to be supplemented in order to take into account the experience acquired since the Conventions were adopted, and new fields which it is considered they should cover.

Although humanitarian law was adapted to the needs of the time by the 1949 Conventions, the law of war has stagnated. Most of it dates back to 1907, when the Hague Conventions were promulgated, when air raids were unknown, and before two world wars had caused the techniques of war to advance with giant strides. Yet the law of war and humanitarian law cannot be dissociated. War itself, and not only its effects, should be made more humane, since unfortunately the contradiction between war and humanity has not been overcome by the elimination of war.

For instance, no written law prevents an air crew from dropping bombs on a town and killing tens, hundreds, or even thousands, of women and children. If the aircraft is shot down and the crew bales out, they are entitled to demand application of the Geneva Convention relating to the treatment of prisoners of war; their victims are not protected by any convention.

The Geneva Conventions, but not those of The Hague, are the work of the ICRC. However, in view of the inaction of States and international institutions, the ICRC made inroads into the law of war after the First World War when it took upon itself the protection of civilian populations against the effects of modern warfare.

In 1957 the ICRC again took the initiative for the safeguarding of the civilian population. It put forward the general principle that whatever weapons are employed in a conflict the civilian population should be respected or at least not exposed to risks disproportionate to the military objective. In terms of that principle, it drew up, with expert assistance, a set of draft rules which was in principle approved by the International Conference of the Red Cross in 1957. The gist of those draft rules was that air warfare should be restricted by the dictates of humanity. Belligerents should limit their operations to the destruction of enemy military power and leave the

population unmolested. Consequently the rules would forbid attack directed against civilian population and populated areas. Bombardment would be permitted only of military objectives as defined and listed in the rules, even if civilians were in the immediate proximity of such military objectives. In any attack on a military objective, every precaution should be taken to spare the civilian population. The draft rules would also forbid the use of weapons whose harmful effects in space and time cannot be anticipated and may thus be uncontrollable by those who use them, thereby imperilling the population. This ICRC effort to eliminate the use of weapons of mass destruction has so far not produced concrete results. They are, moreover, duplicated in part by the efforts of the U.N. Disarmament Commission.

The ICRC has now started preparatory work which should lead to the development of humanitarian law in this field. The XXIst International Conference of the Red Cross at Istanbul in 1969, on the basis of a report which was submitted to it, formally assigned a mandate to that effect to the ICRC, that is to say to draw up new rules to supplement the present Conventions and for submission to a diplomatic conference—like that of 1949—to transform those rules into treaty provisions binding on States.

This work is encouraged and supported by the United Nations which is actively interested in it. Resolutions have been voted to that effect by the International Conference on Human Rights at Teheran in 1968 and by the U.N. General Assembly in 1968, 1969 and 1970. Co-operation has been established between the ICRC and the U.N. Secretariat and Human Rights Division.

The new treaty law should in particular provide civilian populations with protection against indiscriminate warfare, should prohibit certain weapons and safeguard the victims of wars, internal disorders and guerrilla warfare. The latter gives rise to some delicate problems. Who may legitimately carry out hostile acts, and against whom or what, is something which must still be defined. There must also be rules which belligerents must observe during hostilities, such as the safety of surrendering enemies; the treatment of parachute troops; looting; and blockade (bearing in mind the experience of the war in Nigeria). The chapter on supervision, reprisals and sanctions will be capital.

ICRC Organization

The ICRC is becoming a larger and larger enterprise but, unlike industrial and commercial undertakings, the development of its work does not depend on it alone, but on circumstances forced on it from without and over which it has no influence: international or civil war, political struggles and tensions. Moreover, the success of its action often depends on its rapidity. It must therefore always be ready to meet unexpected and unforeseeable situations at any time anywhere.

Its work is becoming constantly more complex due to the disregard of some belligerents for international law and to new forms of armed conflict, such as piracy which has become a means of achieving political aims. Tolerated, if not downright encouraged, by some governments, it gives rise to new categories of innocent victims. It goes without saying that the ICRC unreservedly condemns acts which are crimes and offences punishable in penal law and which cannot be justified. On principle it refuses to aid and abet the blackmail accompanying these acts of piracy and it can assume no responsibility in agreements concluded under the pressure of blackmail. That is the business of the governments involved. On the other hand, the ICRC may not be indifferent to the plight of the victims of acts of piracy, held as hostages or whose lives are threatened in any way whatsoever. It must therefore intervene for their benefit, especially when it is the only body able to do so. This was the case recently when several aircraft were hijacked by a Palestinian organization with which none of the governments concerned had diplomatic or any other relations. The ICRC was able rapidly to assist the passengers of the three aircraft forced to land in Jordan, and it then acted as an intermediary between the Palestinian organization and the governments concerned with a view to the release of the passengers. The ICRC made it clear that its intervention was for the benefit of the detained passengers without distinction of nationality. On the other hand, only the governments could decide on the acceptance or otherwise of the conditions set for their release. It is often difficult to make a clear distinction between the political and the humanitarian aspects. The ICRC

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must in each case decide whether and to what extent its intervention is justified on humanitarian grounds.

When bloodshed was caused by the outbreak of hostilities between the Royal Jordanian Army and the Palestinian troops, the ICRC, from one moment to another, was faced with a new mission in Jordan, namely the provision of relief to the victims of the fighting: the wounded, the sick and the prisoners. Under its direction and responsibility a large scale relief action was organized with the help of several governments, the League and National Red Cross Societies.

All this action is not something that just happens as a matter of course. The recent events in the Near East showed once again, in a striking manner, that in order to carry out its many tasks, the ICRC needs two things.

The first of these is an organization in Geneva itself, ever ready to start relief operations immediately, with permanent or temporary staff at hand for delegation in the field. As the work in the field is often concomitant with negotiation with governments involved in conflict, there must be simultaneous diplomatic action directed from Geneva.

In the second place, when war breaks out, provision must be made to ensure the arrival and judicious utilization of relief supplies; not always easy in the confusion which prevails where fighting is going on. Assistance to the wounded and sick must also be organized; this is the work primarily of doctors and nurses who at a moment's notice go out to regions which they often do not know. No tribute is excessive for the dedication and moral and physical courage of all those who as permanent or temporary delegates of the ICRC serve the Red Cross in often dangerous circumstances.

The most difficult problems facing the ICRC, apart from those arising in the course of its work in the field, relate to its organization, its working methods and the recruitment of delegates. It must be constantly adaptable in order to be equal to the circumstances with which it may suddenly be confronted.

The necessity for the ICRC

Since the ICRC was founded 107 years ago the international community has been radically changed. The League of Nations, then more recently the United Nations, have sought to establish peace in the world through the union of States, whatever their political systems, in a world-wide organization. Many organizations and institutions have been set up under their sponsorship with various objectives but with one common ideal, namely the improvement of the human condition. Unfortunately, those efforts to bring about a peaceful and harmonious world community have not put an end to the reign of force and violence; have not eliminated war as a means of settling disputes. In view of the failure of law and justice in international relations, the ever-widening scope of humanitarian law as laid down by the Geneva Conventions is still a necessity. In order to be effective, humanitarian law must continue to be a field which is reserved but universal, free from any political ties and State interests, and devoted entirely to the defence of the elementary rights of those who are the victims of circumstances. So long therefore as the world remains what it is today, the ICRC will be necessary.

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