

## HUMANITARIAN POLICY AND OPERATIONAL ACTIVITIES

### **The ICRC's humanitarian mandate as reflected in its work in Greece and throughout the world**

*In May 1991, Mr. Cornelio Sommaruga, President of the ICRC, spent some time in Greece at the invitation of the Hellenic Red Cross (see IRRC, No. 283, July-August 1991). While there, he was asked by the Jean-Gabriel Eynard Greek-Swiss League to give a lecture in connection with the 700th anniversary of the founding of the Swiss Confederation. The subject of the lecture was "The ICRC's humanitarian mandate as reflected in the light of its activities in Greece and throughout the world". The President's purpose was to remind his hearers of the work done in Greece by Swiss delegates of the ICRC, who might be regarded as "humanitarian Hellenists", and, in his words, "to retrace some stages in the journey made by the International Committee of the Red Cross in company with the Hellenes, in order to throw light on certain aspects of the beautiful and difficult mission of the Red Cross".*

*The Review is pleased to publish this article based on his lecture.*

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In every human being there is something that gives rise to compassion for fellow beings who are suffering and a desire to help those in distress. Is it an instinct, a feeling, a virtue, a divine inspiration? Philosophers and prophets have tried to elevate the human race to this higher ideal, which they call philanthropy, charity, humanity or solidarity.

## **1. Humanity, impartiality, neutrality, independence**

This quality or, if you prefer, this motivation, has been adopted by the International Red Cross and Red Crescent Movement as its first principle and given the name of humanity. Humanity is the impulsion which prompts the men and women of the Red Cross and the Red Crescent to prevent and alleviate human suffering. It was from the intense compassion felt by a man from Geneva, Henry Dunant, for tens of thousands of wounded soldiers suffering untended on a battlefield in Italy, and from the help he organized to relieve this suffering, that the idea of the Red Cross was born.

Dunant realized that if war casualties were to be given effective aid, two conditions had to be fulfilled: the help must be provided by people who were well trained and motivated by a feeling of humanity; and the wounded must be protected against the effects of the fighting in order to be able to receive care, as must those tending them.

Henry Dunant's idea was tremendously successful: within a few years, almost all the countries of Europe had a National Red Cross Society (that of Greece was founded in 1877) and almost all the countries of Europe had signed the Geneva Convention of 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field (Greece acceded to the Convention in 1865). Created as auxiliaries to the medical services of the armed forces, the National Red Cross Societies soon became aware that suffering existed not only in wartime but also had to be combatted in time of peace, in natural disasters, epidemics and other adversities. Today, 148 National Red Cross and Red Crescent Societies are active throughout the world not only in relieving suffering but also in preventing it and in providing training in a number of fields.

The International Committee of the Red Cross originated as a committee of five Genevese men gathered together by Henry Dunant to promote the establishment of Red Cross Societies and to bring the Geneva Convention into being. Naturally enough, the Committee has continued and even broadened its activities. When a conflict breaks out, the ICRC sends its delegates to the area to assess the humanitarian problems and to seek practical solutions, whilst advising Red Cross Societies, rallying international aid and acting as intermediaries between the Parties to the conflict in order to carry out specific humanitarian operations.

The presence of ICRC delegates on the battlefields of the world and their experience of the manifold suffering of the victims of war have led the ICRC, in persistent approaches to States, to call for the continuous development of international humanitarian law, first codified in the Geneva Convention of 1864. Thus, in the first half of this century, protection for the wounded in armies in the field, embodied in international humanitarian law, was extended to shipwrecked members of the armed forces and to prisoners of war.

The Geneva Conventions, which are texts of international law, are not a law imposed on States, but a treaty under which States have made commitments. This means that the law does not set up any supranational police force or courts for the purpose of prosecuting breaches, nor does it introduce sanctions if the law is not respected. In the absence of any instrument capable of repressing violations of the law, the International Committee has progressively assumed the role of custodian and implementing instrument of humanitarian law: it takes any humanitarian initiatives that it considers appropriate or necessary by offering its services to Parties to a conflict, and does its best to reach and assist the victims of armed conflicts.

The international community has placed in the ICRC a trust that is amply demonstrated by the Parties to a conflict when they allow ICRC delegates to carry out their mission, and by donors who provide the material and financial resources enabling the ICRC to perform its humanitarian operations. Another proof of this trust came last year, when the ICRC was granted observer status in the UN General Assembly. It is clear that this trust is not due only to the principle of humanity — of which the Red Cross, be it said, does not have the monopoly. The success of the International Committee's work is based largely on the credibility of three other fundamental principles that it has made its own: neutrality, independence, and impartiality. The mandates conferred upon the ICRC over the years — for example, that of repatriating prisoners of war and hostages after the war between Turks and Greeks in the early 1920s in Anatolia — are clear indications of the effectiveness with which the Committee applies these principles.

## **2. Legal and operational aspects of the ICRC's work**

Before considering the legal and operational aspects of the ICRC's work, illustrated by examples of past and present activities in various parts of the world, it should be noted that the ICRC's humanitarian

mandate is a crucial link in the symbiosis of concrete action and humanitarian law: each ICRC operation is a practical manifestation of the legal norms and, in its own turn, influences the interpretation and formulation of the law.

The work of the Red Cross in Greece between 1941 and 1945 during the occupation by German, Italian and Bulgarian forces, illustrates the activities of protection and assistance for persons in occupied territory. During the Second World War, international humanitarian law contained no provisions protecting civilians, in spite of proposals submitted to States by the ICRC from 1921 onward. Consequently, the action taken by the ICRC in favour of civilians had no clear legal basis and had to be carried out on the strength of the institution's moral standing and the ability of its members and delegates to persuade the belligerents to accept their proposals.

The disastrous economic situation in Greece after the occupation by the Axis powers — a harrowing episode in the history of Greece — led to a famine that was to continue throughout the war and, especially in the very severe winter of 1941/1942, to cost the lives of thousands of Greeks. Beginning in September 1941, the ICRC collected food relief supplies from the Turkish Red Crescent, the Swiss Red Cross and the Swedish Red Cross. But the Allied blockade made it impossible to transport to Greece any foodstuffs from outside continental Europe, and the Allies were willing to lift the blockade only on condition that the distribution of goods did not benefit the occupying powers. In order to meet the requirements of each of the Parties to the conflict, the government of Sweden, a neutral country which provided the ships to transport the relief supplies, and the ICRC set up a politically neutral Managing Commission, independent of the occupying powers and composed of Swiss and Swedish ICRC delegates, with a representative of the Swedish Government at its head. This Commission, operating under three successive types of structure, was able to distribute 712,000 tonnes of food and 900 tonnes of clothing between 1942 and 1945, and by so doing helped to ensure the material survival of the Hellenic people during those grim years.

The Red Cross delegates who travelled round the Greek countryside from town to town and village to village to organize and supervise the distributions of relief were eye-witnesses or received testimony of the terrible oppression of the civilian population by the occupying troops, especially after the collapse of the Italian Fascist regime, when the Germans controlled the whole of Greece. The blind reprisals following attacks by the Resistance, the internment of political detainees and hostages in appalling conditions, the deportation of Jews

to the extermination camps in eastern Europe, were events requiring action that could not be restricted to material assistance but demanded the protection of the victims' physical and moral integrity.

Unfortunately, the existing law gave the ICRC no mandate to take such action. First alarmed, then revolted, the delegates asked Geneva what they should do, and tried to urge the occupying power to put a stop to certain abuses. The position adopted by the Committee in Geneva was one of extreme caution, particularly with regard to the persecution of the Jews: since it had no clear mandate to intervene in behalf of civilians and feared that the Germans would prevent it from having access to prisoners of war — who, under the 1929 Convention, were entitled to protection — the ICRC did not encourage its delegates to become involved, and made only reserved approaches to the government of the Third Reich. The Nazis, in any case, declared any request on the matter inadmissible and refused, for example, to consider any enquiries concerning the fate of people of the Jewish faith. The ICRC delegate in Thessaloniki, who witnessed the deportation of 50,000 Jews from that city, was for instance expelled by the Germans because he sent a telegram to Geneva asking the Committee to intervene with the German Government. Accompanying the convoys of deportees to their departure point, distributing small amounts of relief supplies, sending parcels to the concentration camps — these were virtually the only humane gestures that the Red Cross delegates were able to make for the civilians being persecuted, deported and killed, not only in Greece but throughout Europe. In the face of the deportation and elimination of millions of men, women and children, it was very little.

Should the ICRC have done more? Could it have done more? This question has been much discussed since 1945, by intellectuals, journalists, survivors of the Nazi persecutions, and by the ICRC itself. Indeed, the Committee sponsored a historical research project, now published, by the former Rector of Geneva University, Professor Jean-Claude Favez.<sup>1</sup> Today, looking at this complete failure of a whole civilization, I will say, yes, the ICRC should have tried to do more. It ought to have made more vigorous efforts to influence the Nazi government in Berlin, and Germany's allies and the authorities in the countries under occupation. Yet I doubt whether it would have been

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<sup>1</sup> Jean-Claude Favez, *Une mission impossible? Le CICR, les déportations et les camps de concentration nazis*, Payot, Lausanne, 1988; in German, *War der Holocaust aufzuhalten? Das Internationale Rote Kreuz und das Dritte Reich*, Verlag Neue Zürcher Zeitung, Zurich, 1989.

able to obtain much more: the will of the executioners was unshakable, as shown very clearly by the replies sent to the ICRC when it tried to take action.

The massacre of millions of civilians committed by Nazi Germany did, however, make the international community realize that the protection of civilians in countries at war, which the ICRC had been demanding since the 1920s, had to be included in international law. However, it is appropriate to recall at this point that ICRC delegates in a number of occupied countries took individual action that enabled lives to be saved. We pay tribute to their enterprise and their courage.

The Diplomatic Conference that assembled in 1949 to revise the entire body of international humanitarian law accordingly adopted the Fourth Geneva Convention, relating to the protection of civilians in time of war. Bearing in mind the experiences of the 1939-1945 war, this Convention prohibits, among other things, the carrying out of reprisals and the taking of hostages; it also guarantees the ICRC access to protected persons.

At present, the territories occupied by Israel are the main field of application of the Fourth Geneva Convention. About forty ICRC delegates are posted — and have been for 22 years — in the West Bank and in the Gaza Strip to observe the conduct of the occupying troops and, if necessary, to take action with the authorities. In 1990, the ICRC visited more than 16,000 Palestinian detainees in prisons and internment camps; it also forwards family news between prisoners and their families, who are often scattered all over the Middle East, and provides assistance to hospitals when required.

### **3. The ICRC and non-international armed conflicts**

The legal position in the event of armed conflict within a country has also evolved since the end of the Second World War. Up to 1949, international humanitarian law, as a treaty among sovereign States, applied only to war *between* States. Nevertheless, the ICRC had had the opportunity much earlier to work during internal conflicts: there were the clashes between Bolsheviks and Tsarists after the Russian Revolution of 1917 and, in particular, the Spanish Civil War, where ICRC delegates played a considerable role. Experience has shown that civil wars, which are usually a confrontation between ideologies, are waged with a brutality and a contempt for humane values often unequalled in conventional wars.

When the fighting between government forces and the *Andartès* — the partisans — broke out in Greece in December 1944, the ICRC had the advantage of being already on the spot and of having acquired a certain renown through its relief work during the occupation. The ICRC delegates tried to distribute relief to the population of Athens, who were utterly destitute; but the capital was divided into two camps. Battles were waged savagely, with no respect for the red cross emblem, and the delegates many times took their lives in their hands. Thousands of civilians were massacred or taken hostage. In mid-January 1945, one of the delegates managed to make contact with the leaders of ELAS, the Greek People's Army of Liberation, and succeeded in obtaining a signed agreement allowing the ICRC to take food aid into the areas controlled by the opposition, to try to trace missing persons, often taken hostage, and to take them back to their homes.

When the fighting ceased, in February 1945, the ICRC withdrew its delegation from Greece. However, a considerable number of people remained in exile for political reasons, and the armed opposition forces formed again in the north of the country. Following mass arrests of political opponents by the government and various rebel attacks against the royal armed forces during 1946, the ICRC offered its services to the Greek Government in February 1947 and proposed that the rules of the Convention on the treatment of prisoners of war should be applied to captured rebel combatants and political detainees. The government refused the ICRC's proposals, explaining that there was no civil war in Greece but, as Minister Tsaldaris wrote, "quite simply, a number of persons who have rebelled against the laws of the State and have formed bands that commit common-law crimes in the midst of subversive activities".<sup>2</sup>

The Hellenic government's reaction to the ICRC proposals was courteous but clear: it refused to put the armed forces of a sovereign State and the "rebel bandits" on the same footing by applying international law in a situation that it considered as entirely an internal matter and thus not subject to that law. Since 1947, the ICRC has received similar replies from governments to which it has offered its services in a number of internal conflicts. Today, for example, the government of Myanmar refuses to allow the ICRC to work in the context of the internal conflict, and the Moroccan Government has

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<sup>2</sup> Note from the Minister for Foreign Affairs, Constantin Tsaldaris, dated 8 March 1947.

prohibited the ICRC from having access to the western Sahara and to Sahrawi prisoners, arguing that the problem is an internal one.

It is in such situations that the credibility of the ICRC's neutrality and impartiality is decisive. Governments have to be convinced that the purpose of the ICRC is purely humanitarian, i.e., to alleviate the suffering of victims. The ICRC does not wish to become embroiled in the internal affairs of a country: it makes no statement as to the legitimacy of combat, it merely wants to have access to security detainees and to prisoners of war. It does not ask for the reasons leading to the arrest of a detainee: it requires the detainee to be treated with humanity. If it is to provide effective relief on both sides in a conflict, it must negotiate with those who, in the field and by force of arms, actually control access to the victims it wishes to help. Getting this message across is no easy matter. In Greece the ICRC succeeded in doing so, at least partly, with time and thanks to the obstinacy of its delegates.

In May 1947, the Greek Government authorized the ICRC to send relief supplies for distribution by the Hellenic Red Cross. Detainees and their families were also allowed to receive relief. However, the lack of enthusiasm felt by the authorities and the Hellenic Red Cross for the presence of the ICRC was demonstrated by administrative obstruction and an obvious reluctance to cooperate in any way. For fifteen months, while the numbers of political detainees and of refugees from the combat areas increased daily, the delegates were mainly occupied in attempting to get customs clearance for the relief supplies arriving at Piraeus. It was only after the election of Constantin Georgacopoulos as President of the Hellenic Red Cross, in May 1948, that the ICRC could really start work: relief supplies became easier to get out of the warehouses, distributions were organized with the ICRC present, and visits to detainees became more frequent. In the meantime, the civil war was at its height. Thousands of detainees, among them many women and children, were herded pell-mell into incredibly overcrowded prisons. The captured *Andartès* were not granted prisoner-of-war status and were sent to rehabilitation camps on the islands. Hundreds of thousands of refugees surged down from the north, where fighting was raging. Thousands of people, especially children, were taken from villages in areas controlled by ELAS and sent to Eastern bloc countries. In 1949 the ICRC was providing material assistance to institutions housing some 40,000 children, and to places of detention holding several tens of thousands of prisoners. Compared with what it had managed to do during the German occupation of Greece, the difficult work of the ICRC during the civil war



gave very meagre results: 1,265 tonnes of relief were distributed between 1947 and 1953, and relatively few prisoners benefited from ICRC visits.

Since the time of the Greek civil war, international law in relation to internal armed conflicts has also developed. Indeed, the four Geneva Conventions of 1949 contain a common article in which the High Contracting Parties undertake to respect the basic humanitarian rules in the event of an internal conflict; the article also empowers the ICRC to offer its humanitarian services. In addition, a Protocol additional to the Geneva Conventions, adopted in 1977, broadens and specifies the measures that can be taken to protect the victims of non-international conflicts. At present, 94 States have already acceded to this Protocol; but unfortunately Greece is not yet party to it. During my discussions with the highest authorities of the Republic, I again stressed the ICRC's desire to see Greece soon become party to Protocol II.

Even though humanitarian law does not oblige States to accept the offer of services that the ICRC may make to them in the event of internal armed conflict, the great majority of ICRC operations being carried on today are in favour of victims of a civil war. Lebanon, El Salvador, Peru, Liberia, Somalia, Mozambique, Afghanistan, Sri Lanka and the Philippines are a few examples.

Naturally, the ICRC's presence in this type of conflict does not mean a sudden and lasting improvement in the situation. It is only as time goes by, as the delegates continue their visits to places of detention and areas of fighting and, above all, as they spread the knowledge of humanitarian law and Red Cross principles, that the work takes effect. In the first few months, even the first few years, delegates are often faced with politicians' susceptibilities, armies' incomprehension, the ideological blindness of the Parties and the lack of information of the population. Their task of widening the scope of humanitarian work is thus extremely arduous.

#### **4. The ICRC and internal disturbances**

The third type of situation calling for action by the ICRC is the one we describe as "internal disturbances and tensions". It is characterized by great political tension, often following a *coup d'état*; constitutional guarantees are suspended and political repression reigns. The fact that there are no dead or wounded and that life within the country appears normal and without material hardship does not remove the

need for protection. In such situations the ICRC, on the basis of its right to take humanitarian initiatives, offers its services for visits to detainees held under emergency laws, administrative detainees and security detainees, in short, all those commonly known as political prisoners.

This is what it did in Greece in 1967. Scarcely two weeks after the *coup d'état* of 21 April, an ICRC delegate was received by the Prime Minister of the Military Government, Mr. Kollias, and by the Ministers of Foreign Affairs and of the Interior. Thanks to these interviews, the delegate was able to visit a number of detainees and persons under house arrest, including Mr. Papandreou and his son. Between 1967 and November 1970, ICRC delegates carried out eleven series of visits to prisons and detention camps and made innumerable *ad hoc* visits. During this period, they organized meetings of families with relatives who had been deported to the islands; they succeeded in arranging for the camp at Yioura, unsuitable for detainees, to be completely evacuated, and for the numbers of detainees in other, overcrowded camps to be greatly reduced; they persuaded the authorities to release several hundred detainees for reasons of health or age; and they distributed food and clothing to detainees' families.

During this time, the rest of Europe was becoming interested in the plight of political detainees in Greece. The press published detailed reports of the use of torture by the forces of law and order. Following complaints filed, the Council of Europe set up a Sub-Commission to investigate these reports. The Greek regime was under great pressure, politically and from the media, which it attempted to counter by stating that the ICRC was satisfied with the conditions of detention observed by its delegates in the camps and the prisons. The media thereupon attacked the ICRC for what they saw as complicity with the régime in Greece. In 1969, when the régime published excerpts from ICRC reports of visits, to give the false impression that the conditions of detention were satisfactory, the ICRC asked for and obtained publication of these reports in full. The report of the Council of Europe, submitted to the Committee of Ministers in December 1969, included complaints of several cases of torture.

One month before the debate of the Council of Europe that led to Greece's withdrawal from that body, the ICRC signed an agreement with the Hellenic Government, the first ever in the history of the ICRC concerning its right to act in behalf of political detainees. The agreement guaranteed the ICRC delegates access to all places of detention, including police stations (where torture is always most often practised everywhere), and confirmed the confidentiality of ICRC

reports. The agreement on the visits remained in force for a year, during which much valuable work was done. In November 1970, the Government terminated the agreement and the visits came to an end. They were resumed only after the fall of the military junta.

The work done for political detainees in Greece is a fairly good illustration of the way the ICRC holds a judicious balance between neutrality and a public stance. Our principle is simple: if delegates find that humanitarian law has been violated or its rules abused, then the ICRC must first do all in its power to eliminate such abuses through direct and confidential representations to the authorities concerned. Only if such representations fail, and only if it is sure that its exposure of the violations will not worsen the position of the victims to be protected, will the ICRC take a public stance. The situation in which it found itself in 1969 was a typical one: by keeping silent on what its delegates had seen in the Greek prisons, it laid itself open to charges of complicity with those in power, who then tried to fabricate an alibi on the basis of its discretion. Nevertheless, the purpose of ICRC visits is to protect those arrested and improve their conditions of detention by direct intercession and not through public pressure. Obviously, a government will not accept ICRC visits if, the following day, all the newspapers carry a full account of the horrors discovered by the delegates. But the Greek example also shows that public opinion, rallied in favour of human rights and humanitarian law, can result in a government — prompted more, perhaps, by political considerations than by genuine humanitarian concern — allowing the ICRC to enter the prisons and to carry out its humanitarian work.

In 1990, the ICRC visited more than 84,000 prisoners and other detainees held in connection with conflicts or internal disturbances, from Northern Ireland to the Philippines, from Romania to Chile, from Jordan to Nicaragua, from Iran to East Timor, and from Iraq to Rwanda. Every detainee visited by an ICRC delegate thus has someone to talk to, someone through whom to communicate with his or her family, someone who will ask regularly for news of that detainee. This work is able to continue and indeed expand as a result of the commitment by public opinion and governments to human rights and humanitarian law, and thanks to the neutrality and the independence of the ICRC.

## 5. Conclusion

It is not easy to review the painful episodes in Greece's recent history, to look again at difficult moments in the relations between the ICRC and this country. But we know that Greece has been able to overcome terrible ordeals in the course of this century. The Hellenes have fought, and many have died, for their country, for freedom, democracy and justice. Do not believe that the neutrality of the ICRC delegates prevented them from feeling close to a people who, in the depths of suffering and despair, never gave up their dignity, their great civilization and their humanity. On the contrary: the humanity that we came to Greece to defend was learned anew each day with the Greek people themselves. For humanity is a gift that is exchanged, and in Greece the ICRC received more than it was able to give.

All over the world today, millions of children, women and men suffering from war, imprisonment, disease or natural hardships hope for a little humanity to relieve their distress. There are laws that guarantee this humanity, there are ICRC delegates who uphold it, there are millions of Red Cross and Red Crescent volunteer workers spreading it throughout the globe. In order to widen its boundaries, still too narrow and too often violated, we need the support, moral, political and material, of everyone. I am confident that particularly great understanding will be shown for this appeal, in Athens and throughout the world.

**Cornelio Sommaruga**  
*President*  
*International Committee of*  
*the Red Cross*

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