

INTRODUCTION

ON THE FUNDAMENTAL PRINCIPLES OF THE MOVEMENT AND INTERNATIONAL HUMANITARIAN LAW

In its November-December 1989 issue the International Review of the Red Cross inaugurated a series of articles on the Fundamental Principles of the Movement. By inviting eminent theoreticians and active members of the National Societies and the League to give their views, and by publishing planned ICRC studies on the subject, the Review intends to contribute to the broad reflection which the Movement has been carrying out for the past three years and to the collection of treatises and case studies on various means of implementing the Principles.

In follow-up to its articles dealing with the practical application of the principles of humanity, impartiality and neutrality,¹ the Review has invited Dr. János Hantos, member of the Standing Commission of the Red Cross and Red Crescent and former Chairman of the National Board of the Hungarian Red Cross, to comment on the Fundamental Principles. Dr. Hantos holds that a unified interpretation and application of the Fundamental Principles would better sustain the Movement's credibility and effectiveness, then analyses the relationship between the principle of humanity and the Movement's purpose and offers some concluding remarks on the principle of independence (see p. 86).

In the second article, entitled: "Volunteer Service; a pastime or a profession", a young staff member responsible for relief work and dissemination at the Colombian Red Cross, Walter Ricardo Cotte W., gives his views on volunteer work today. The author first discusses the

¹ Blondel, Jean-Luc, "The meaning of the word 'humanitarian' in relation to the Fundamental Principles of the Red Cross and Red Crescent", *IRRC*, No. 273, November-December 1989, pp. 507-515.

Kalshoven, Frits, "Impartiality and neutrality in humanitarian law and practice", *ibid.*, pp. 516-535.

Harroff-Tavel, Marion, "Neutrality and impartiality—The importance of these principles for the International Red Cross and Red Crescent Movement and the difficulties involved in applying them", *ibid.*, pp. 536-552.

traditional concepts of professional and volunteer work, then goes on to show how the latter has evolved from a pastime into an ongoing commitment combining professional skills and human qualities, for the sole purpose of serving humanity (see p. 95).

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In a recent publication on the development of humanitarian ideas in various schools of thought and cultural traditions,² Jean Pictet states that the study of cultures clearly shows that "humanitarian principles are common to all human communities wherever they may be".³

He underscores the importance therefore of being familiar with the evolution of humanitarian thought through the ages, adding that those who work to disseminate knowledge of humanitarian law "will find in local traditions and in the symbols peculiar to each race the form of expression and the imagery which will make it more readily understood and accepted".⁴

It was in this spirit that the Review inaugurated in July-August 1989 a series of articles retracing the origins of international humanitarian law. The series first dealt with the contribution of army medical officers to the emergence of humanitarian law⁵ and the written and customary provisions relating to the conduct of hostilities and treatment of victims of armed conflicts in ancient India.⁶ It continues in this issue with two articles on Islam and international law.

The first of these articles, entitled "International humanitarian law lies between the Islamic concept and positive international law", is a general study by professor Said-El-Dakkak on the Islamic concept of humanitarian law. It highlights the similarities and differences between Islamic law and positive law, while focusing on methods and means of combat (particularly perfidy and ruses) and on the rules relating to the protection of an enemy hors de combat and of civilians and objects

² Pictet, Jean, "Humanitarian ideas shared by different schools of thought and cultural traditions", in *International dimensions of humanitarian law*, Henry Dunant Institute, Geneva, Unesco, Paris, Martinus Nijhoff, Dordrecht, 1988.

³ *Ibid.*, p. 3.

⁴ *Ibid.*, p. 4.

⁵ Guillermand, Jean, "The contribution of army medical officers to the emergence of humanitarian law", *IRRC*, No. 271, July-August 1989, pp. 306-332.

⁶ Penna, L.R., "Written and customary provisions relating to the conduct of hostilities and treatment of victims of armed conflicts in ancient India", *ibid.*, pp. 333-348.

of a civilian character. The author concludes that Islamic law is a crucial factor in ensuring the universality of humanitarian law (see p. 101).

The second article, by Ameer Zemmali, is entitled "Imam Al-Awzai and his humanitarian ideas (707-774)". It completes the first article in that it analyses the thought of a little-known eighth-century doctor of laws, pointing out his original and specific contribution to the protection of prisoners of war, civilians and civilian property (see p. 115).

These highly personal thoughts, sometimes accompanied by recommendations, will undoubtedly elicit comments which the Review would be pleased to receive and add to the series by publishing them in its future issues.

The Review
