

The International Committee of the Red Cross and humanitarian assistance A policy analysis

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In today's armed conflicts and complex emergencies more civilians suffer than combatants.² After the Cold War one could identify a zone of turmoil in which civilian suffering was acute. But one could also identify a zone of stability from which operated a complicated system of humanitarian assistance designed to respond to civilian suffering. Media coverage emphasized the suffering, but never before in world history had such a kaleidoscope of humanitarian actors tried to provide emergency relief during armed conflicts and complex emergencies. Inevitably calls were heard for better organization and coordination, and in 1991-92 the United Nations created a Department of Humanitarian Affairs (DHA).

The International Red Cross and Red Crescent Movement has concerned itself with suffering in armed conflicts from its origins in the middle of the 19th century. While the early focus of what is now called

¹ The author would like to thank various ICRC officials who provided information for, or commented on, earlier drafts of this essay. These drafts were also read by William De Mars, Martha Finnemore, and Thomas G. Weiss. The author would moreover like to thank the editor of the *International Review of the Red Cross (IRRC)* for his helpful comments. The responsibility for all statements rests with the author.

² According to Red Cross sources, civilians made up 15% of victims in World War I and 65% in World War II; in armed conflicts today they account for 90% ("World Campaign for the Protection of Victims of War", *IRRC*, No. 282, May-June 1991, p. 308). See also International Federation of Red Cross and Red Crescent Societies (eds), *World Disasters Report*, Geneva, 1994, p. 34. — "Complex emergencies" is an amorphous term used by the UN to bypass argument over the dividing line between armed conflicts and other situations. It implies, at a minimum, the breakdown of national order, human suffering, and lack of control by any one authority.

the International Committee of the Red Cross (ICRC) was on wounded combatants, attention was subsequently extended to civilians. Since the Nigerian armed conflict (1967-1970), the ICRC has been providing significant humanitarian assistance in the midst of hostilities, and not just in pacified occupied territory, although its action in the general area of assistance has a much longer history. By the early 1990s the ICRC was providing more assistance than at any other time since its inception in 1863. The Movement, with the ICRC serving as a humanitarian intermediary in armed conflicts, emphasizes seven principles among which are impartiality, independence, and neutrality. The ICRC, whose governing Assembly is made up of Swiss nationals, wishes to be neither the UN's humanitarian arm nor a humanitarian showcase for the Swiss State, with which it has a special relationship.³

What then is the current role of the ICRC and the Movement in international humanitarian assistance and what does the future hold for them? Will they continue to carve out a unique and useful role? Or will they be marginalized by such developments as improved UN coordination and/or greater effectiveness by other relief agencies?

Some would look to international law to find answers to such questions, and much attention has been paid to the subject of intervention on humanitarian grounds and the right to humanitarian assistance. This is an important subject. A different point, however, deserves emphasis. Whatever the law on the books might say about who can deliver assistance in what situation, and who is entitled to receive it, many warring parties in the post-Cold-War world have never heard of the Geneva Conventions, are not familiar with the ICRC and the Red Cross/Red Crescent symbol, or regard civilian death and suffering as weapons for attaining their personal and political objectives. As was said of Somalia in 1992, "Virtually no one with a weapon had heard of the Geneva Conventions...."⁴

The ICRC and other actors face illiterate child soldiers on drugs, brutal warlords interested primarily in personal power, and military commanders

³ From a vast literature on the Movement, see especially two recent publications: François Bugnion, *Le Comité international de la Croix-Rouge et la protection des victimes de la guerre*, ICRC, Geneva, 1994; and John Hutchinson, *Champions of charity: War and the rise of the Red Cross*, Westview Press, Boulder, 1996.

⁴ Jennifer Leaning, "When the system doesn't work: Somalia in 1992", in Kevin Cahill (ed), *A framework for survival: Health, human rights, and humanitarian assistance in conflicts and disasters*, Basic Books, for the Council on Foreign Relations, New York, 1993.

who order attacks on civilians and relief workers. ICRC personnel, along with other relief workers, have been killed, including three ICRC delegates in Burundi in 1996. Other ICRC delegates have witnessed such horrors in places like Liberia that they require psychiatric counselling.

Particularly large-scale relief requires the cooperation of those with the guns on the ground, whatever the law might say about a right to humanitarian assistance. The only alternative to negotiated cooperation is to overwhelm with military force. This is not a viable option in most situations owing to a lack of political will on the part of the international community. There is also opposition on moral grounds to "humanitarian war".⁵ Even in Somalia during 1992-1993, international military force was not initially directed against various political leaders but against bandits and thugs. Somali clan leaders had quietly agreed to the military deployment.

Given that international humanitarian law and international human rights law are frequently passive background factors, a policy evaluation of the ICRC as a relief agency requires attention to five tasks: 1) negotiating access to civilians in need; 2) assessing humanitarian needs; 3) mobilizing resources; 4) delivering assistance; 5) evaluating performance and planning for the future.⁶

I. Negotiating access

In Geneva during 1995 the ICRC had a staff of 645 monitoring the plight of civilians in wars and complex emergencies, among other tasks. That same year it had another 1,029 persons in the field, including 185 seconded from National Red Cross and Red Crescent Societies, organized into regional and sub-regional delegations. During 1995 it carried out over 20 sizeable assistance programmes costing about 360 million US dollars in a number of trouble spots around the world.⁷ It is fair to say that many National Red Cross or Red Crescent Societies in the poorer States are too weak to provide much operational support to the ICRC. But sometimes

⁵ See also Adam Roberts, "Humanitarian war: Military intervention and human rights", *International Affairs*, 69/3, July 1993, pp. 429-450.

⁶ This framework is adapted from Larry Minear and Thomas G. Weiss, *Mercy under fire: War and the global humanitarian community*, Westview Press, Boulder, 1995.

⁷ *1995 Annual Report*, ICRC, Geneva, 1996. ICRC figures separate assistance from other categories such as "operational support for delegations" and "management", making it difficult to get a total picture of the cost of assistance operations.

the local affiliate is in a good position to provide information about a given situation, or has useful contacts with a warring party. In more recent years the ICRC has made a greater effort to stay in touch with national affiliates, not always with the support of their association, the International Federation of Red Cross and Red Crescent Societies, which has a separate headquarters in Geneva. The ICRC has observer status at the UN and is also in direct touch with governments through other channels. The head of the ICRC's New York office meets monthly with the President of the UN Security Council. The ICRC participates in two consultative groupings of non-governmental organizations involved in relief, in New York and Geneva. In 1995 the ICRC opened an office in Washington. Non-governmental organizations working for human rights and the transnational communications media maintain contacts with its headquarters in Geneva. The ICRC thus seems reasonably informed about where it should seek access to civilians in need.

The ICRC's maximum objective is to reach explicit agreement to engage in both relief action and visits to prisoners on all sides. With regard to relief the ICRC normally asks for: freedom of movement to make assessments, the right to monitor relief so as to ensure impartiality, administrative control over the delivery system, and the right to make follow-up enquiries about the impact of relief.⁸ But given the evident lack of humanitarian commitment by various warring parties, plus the presence of other relief actors to which the parties can turn, achieving access on these terms is a diplomatic art form.

There is a rather widespread belief that in negotiations for access the ICRC is rigid and unbending, emphasizing the rules of humanitarian law and also Red Cross principles. The President of the International Council of *Médecins sans frontières* (MSF — Doctors Without Borders) believes that the ICRC never tries to deliver humanitarian assistance without consent because of its links to international law.⁹ MSF came into being partly because of a belief that adequate relief had not reached Biafra during the Nigerian civil war, in their view because the ICRC was too concerned about agreement from the federal side. One relief expert sees the ICRC's commitment to Red Cross principles as "inviolable".¹⁰ A

⁸ Marion Harroff-Tavel, "Action taken by the International Committee of the Red Cross in situations of internal violence", *IRRC*, No. 294, May-June 1993, p. 215.

⁹ Montieth Illingworth, "Remedies for an ailing world: An interview with Doris Schopper", *Hemispheres*, United Airlines, Chicago, June 1995, pp. 19-24.

¹⁰ Andrew S. Natsios, "NGOs and the UN system in complex humanitarian emergencies", in Thomas G. Weiss and Leon Gordenker (eds), *NGOs, the UN, and global governance*, Lynne Rienner Publishers, Boulder, 1996, p. 73.

superficial examination of some events would seem to support this view.

In some situations the ICRC will suspend its operations or withdraw from an area rather than violate existing standards. In the Nigerian civil war of 1967-1970, after the federal air force shot down a plane trying to deliver Red Cross relief to the Biafran enclave without permission from Lagos, the ICRC suspended its operations.¹¹ Article 23 of the Fourth Geneva Convention of 1949, intended for international armed conflict, stipulates that a belligerent State can satisfy itself that material assistance is neutral.

In old greater Ethiopia in 1988, the ICRC withdrew from an assistance role because it believed the relief plans of the central government were both harsh and unacceptably political. The Mengistu government was using international relief to lure civilians into relocation projects, so as to remove them from areas of rebellion. In the process some families were divided. Other relief agencies were willing to participate in this scheme. But after a long and complicated involvement, during which, among other things, it failed to obtain authorization to visit prisoners held by the central government, the ICRC finally withdrew. Much to the ICRC's private consternation, the International Federation then stepped in to fill the assistance role on government terms which it had just rejected.

During the early 1990s in the former Yugoslavia, where the ICRC managed a relief operation second in size and importance only to that of the Office of the UN High Commissioner for Refugees (UNHCR), some observers found the ICRC more principled than UNHCR.¹² In their view, the ICRC was more likely to suspend relief deliveries, even if it meant civilian hardship, because of considerations of impartiality and neutrality.

¹¹ A particularly well informed account is given by Thierry Hentsch in *Face au Blocus: La Croix-Rouge internationale dans le Nigéria en guerre (1967-1970)*, Graduate Institute of International Studies, Geneva, 1973. The ICRC had obtained "fly at your own risk" permission from Lagos. After that permission was revoked, the ICRC continued to participate in "night" flights, in which Red Cross planes mixed in with planes carrying armaments to Biafran forces. This airlift was thus not a purely neutral operation. But the ICRC was concerned about civilians in the Biafran enclave, and was competing with Joint Church Aid (JCA), a coalition of relief agencies not much interested in the niceties of State consent or neutrality. Had the ICRC withdrawn earlier, it would have left assistance in war to JCA and would have lost much support among public opinion in Europe and North America, which was pro-Biafran.

¹² Larry Minear and Thomas G. Weiss, *op.cit.* (note 6). See also Larry Minear *et al.*, *Humanitarian action in the former Yugoslavia: The U.N.'s Role 1991-1993*, Occasional Paper # 18, Brown University, Watson Institute, Providence, RI, 1994, pp. 43, 78.

By comparison, UNHCR seemed more tolerant of political diversions and objectives than the ICRC, although both agencies acted primarily on behalf of civilians. In Bosnia-Herzegovina the ICRC and UNHCR, alike in many ways, sometimes differed on what constituted adequate room for humanitarian agencies to operate in the midst of war.

Likewise in Sudan over many years, the ICRC would not agree to relief schemes for the south of that troubled country unless assurances could be given that there would be no diversions by military parties. While this meant that at times relief was not provided to any civilians, it was also true that certain satisfactory agreements were struck for limited times and effects.¹³

ICRC officials themselves help create the image of great attention to rules and principles, saying that the ICRC cannot ignore international humanitarian law, with its attention to State consent, since the ICRC helped develop that law.¹⁴ No doubt ICRC lawyers would argue that everything the ICRC does is based on the principles of the Red Cross and the spirit of international humanitarian law, including a right of initiative for the ICRC.

The ICRC, however, not only acted in a fairly “revolutionary” way for a time in the Nigerian civil war, delivering relief in a manner that contributed to some Biafran political objectives while offending various parties on the federal side, but it also knowingly contravened the wishes of the Ethiopian central government. From 1976, the ICRC participated in a “cross-border” relief operation from Sudan, delivering assistance to Tigray and Eritrea, then in rebellion. It was also seeking Tigrayan permission to visit Ethiopian fighters detained by the rebel movement. In this context the ICRC even removed the Red Cross emblem from its trucks, the better to avoid Ethiopian air attacks on relief convoys. In May 1987 the ICRC withdrew from the cross-border effort, saying that emergency civilian need in Tigray had abated. It was also a fact that its attempted visits to prisoners never took place. While international humanitarian law may not be very clear when applied to this type of situation, there is no

¹³ For a balanced analysis see Larry Minear, *Humanitarianism under siege: A critical review of operation lifeline Sudan*, Red Sea Press, Trenton, NJ, 1991; and Francis M. Deng and Larry Minear, *The Challenges of famine relief: Emergency operations in the Sudan*, Brookings, Washington, 1992.

¹⁴ Bugnion, *op.cit.* (note 3), p. 364, quoting Jacques Freymond: The ICRC “*ne peut ignorer cet ensemble de règles qu’il a contribué lui-même à établir et dont il demande le respect par les États.*”

doubt but that the ICRC “gatecrashed” in Tigray, from the Ethiopian point of view.¹⁵

In a number of cases the ICRC apparently informed a government that it was delivering relief in a situation of war or complex emergency, but it presumably did not ask permission. This type of action seems to have obtained in Afghanistan during the 1980s, with the ICRC operating from Pakistan. A rather remarkable version of this behaviour occurred in Cambodia after the Vietnamese invasion of 1979. Finding civilians in need in the hinterland, the ICRC and UNICEF engaged in a cross-border operation from Thailand. When the government in Phnom Penh objected, the ICRC and UNICEF continued, asserting a duty to help civilians in need, but no doubt aware that the Cambodian government lacked the means to back up its objections. Eventually the government accepted the realities of international relief.¹⁶

The ICRC had already engaged in cross-border assistance on a small scale to Iraqi Kurds, operating from Iran before the fall of the Shah. While in the same context the ICRC has recently shown some reticence, it is unlikely that notification was given to Saddam Hussein of help provided to his ethnic, domestic enemies.¹⁷ In places like Liberia, without effective central government, requesting consent was out of the question. The ICRC, like other relief agencies, did what it could, trying to secure the cooperation of local paramilitary forces.

In Somalia during the early 1990s, the ICRC continued relief distributions even when other agencies pulled out, despite the loss of some 5% (1993) to 20% (1992) of the supplies to political and other disruptions. The ICRC decided to hire its own local protection force made up of armed individuals, and paid them in rice, in order to get some relief to starving civilians who numbered in the hundreds of thousands. After the UN authorization of military force to guarantee the security of humanitarian assistance, the ICRC agreed to cooperate with that sizeable military presence, working, with the Somali Red Crescent, at the end of a logistics system that was dominated by the US armed forces. From one point of

¹⁵ See also William De Mars, “Contending neutralities: Humanitarian organizations and war in the Horn of Africa”, in Charles Chatfield, Ron Pagnucco, and Jackie Smith (eds), *Solidarity beyond the State: The dynamics of transnational social movements*, Syracuse University Press, Syracuse, 1996.

¹⁶ Bugnion, *op.cit.* (note 3), pp. 946-8.

¹⁷ Christophe Girod, *Tempête sur le désert: Le Comité international de la Croix-Rouge et la guerre du Golfe 1990-1991*, Bruylant, Brussels, 1994, p. 28.

view, this was a militarized relief system which was nevertheless intended to be impartial in that it was supposed to benefit civilians without regard to political orientation, gender, ethnicity, clan, or other identification. Later the ICRC argued that the military should stay out of assistance, leaving it to the impartial, non-governmental agencies. But in Somalia the ICRC cooperated with military forces, and with local armed groups, in order to save civilian lives.¹⁸

What do these examples tell us about the ICRC and negotiating access for humanitarian assistance? Independence, impartiality, neutrality, and other norms of interest to the ICRC go by the board in wars and complex emergencies. The proliferation of relief agencies makes it difficult for the ICRC to insist successfully on its values, or to focus attention on whatever right to humanitarian assistance might be read into humanitarian law. The ICRC is interested in both principled action and doing practical good for civilians in need (and prisoners, for that matter). It also has a tradition, at least for small-scale operations, of giving its delegates in the field considerable room for manoeuvre. All of these factors hamper perfect consistency.

Thus there is not one, dominant pattern of ICRC access to civilians in need. The agency clearly prefers a negotiated arrangement with all parties, consistent with legal and Red Cross norms. But when that optimum situation cannot be achieved, it has acted in different ways in different situations, with a strong element of pragmatism. The ICRC is not so legalistic as some have believed, but at the same time it is not just another private relief agency. Like its spokespersons, it works on both sides of the fence. It emphasizes public international law and Red Cross principles (which are approved by Red Cross conferences at which States are represented), but it has acted against the wishes of some public authorities on occasion for the welfare of civilians in dire straits. It has also acted in grey areas where doubt exists as to whether consent has been obtained or not.

II. Assessment of need

The same disjointed system that operates to identify civilians in need operates to assess that need. From 1992 the UN appointed an

¹⁸ In the former Yugoslavia at approximately the same time, the ICRC accepted military protection to guarantee the release and exchange of prisoners, but not for civilian relief. UNHCR accepted military protection from UNPROFOR for the delivery of assistance.

Under-Secretary-General for Humanitarian Affairs, who doubled as its Emergency Relief Coordinator, and who was connected to an embryonic UN early-warning system with some assessment capacity. Even State intelligence agencies, with their satellite resources, could be put at the service of assessment.

In most conflict situations there is no single, coordinated assessment of humanitarian need. If the conflict attracts enough attention there is likely to be a variety of assessments — from UNHCR concerning refugees and those in a refugee-like situation, from UNICEF concerning mothers and children, from WHO concerning health, perhaps from the UN resident representative in countries hosting projects run by the UN Development Programme (UNDP), etc. In Somalia in February of 1992, Africa Watch, then a sub-division of Human Rights Watch, which normally emphasizes civil and political rights, sent a survey team along with Physicians for Human Rights to assess need for assistance in that failed State.¹⁹ The ICRC was already reporting assessment from Somalia, as was a special representative of the UN Secretary-General, as was USAID, as were others. Likewise in the former Yugoslavia during the early 1990s, there were many assessments of civilian need, including from the local offices of the Yugoslav Red Cross.²⁰ “The ICRC does not accept reports or requests at face value by outside sources.”²¹ During the spring of 1991 the US and certain Western States intervened forcibly in northern Iraq, ostensibly to protect and assist Iraqi Kurds. Some National Red Cross Societies, such as the American Red Cross, followed their governments into that situation. The ICRC, already in Baghdad for about a decade, carried out its own surveys of civilian needs in northern Iraq. The ICRC did not act on the basis of reports from intervening governments and their Red Cross Societies.

But self-assessment is not an ironclad principle, for the ICRC will act on the basis of a report from “a partner of its choice”.²² In Iraq during the mid-1990s the ICRC used an assessment of civilian needs by WHO as part of its appeal for funds to carry out a relief operation.²³ WHO’s broad

¹⁹ Leaning, in Cahill, *op.cit.* (note 4), p. 108.

²⁰ Minear *et al.*, *Humanitarian action*, *op.cit.* (note 12), p. 31.

²¹ ICRC, *The role of the ICRC in relief operations*, March 1994, unpublished paper, read by permission.

²² *Ibid.*

²³ ICRC, *Emergency appeal*, 1995, p. 155.

survey fit with the ICRC's own data concerning more limited segments of the population. The ICRC then lobbied the UN to pay more attention to the plight of the overall Iraqi population, whose hardship was directly linked to economic sanctions imposed under UN authorization.

The ICRC has a number of persons who specialize in assessing civilian needs concerning health, nutrition, shelter, potable water, etc. In a large regional ICRC delegation, as found in Nairobi, Kenya, for example, several such specialists are already in the field. Others can be sent from Geneva on short notice. Obviously if the ICRC is excluded from a country, as in Cambodia under the Khmer Rouge or in Sudan for much of the 1990s, proper assessment cannot be made.

In general, the problem is not accurate assessment but mobilization of adequate response. Somalia is a good case in point. A number of agencies recognized the prospect of massive starvation by late 1991 and early 1992. The ICRC, Save the Children Federation (British division), and perhaps others projected the problem accurately enough. The UN appointed a special representative in May of 1992, but it was not until July that wheels began to turn for a greater international effort. And it was not until October that the UN devised a coordinated international plan for dealing with starvation in Somalia. Finally, in December of 1992, military force was authorized and dispatched to secure the delivery of humanitarian assistance.²⁴

III. Mobilization of resources

The ICRC is well positioned to mobilize resources for relief, being part of a widely respected international movement, having a legally recognized role in armed conflict, and being well known to the major donors such as USAID and the European Union's Humanitarian Office (ECHO). But the scale of disasters can exceed ICRC capability, the agency has not always mobilized certain types of relief, and it has not always proven adept at raising concern.

Over about a decade from the mid-1980s the ICRC quadrupled its spending for relief to more than US\$ 350 million. The agency also found the necessary personnel to administer its relief programmes, in part by drawing more on non-Swiss. Those who wanted the ICRC to concentrate

²⁴ See especially Learning, in Cahill, *op.cit.* (note 4), pp. 114, 117.

on detention matters, and those who wanted the agency to limit itself to very small relief operations, have clearly been passed over by events. But it is not so clear just what the ceiling is on ICRC relief capacity.

The exodus of several million people from Rwanda during 1994, or the projected starvation of hundreds of thousands of Somalis during 1992 and 1993, was clearly beyond the capacity of the ICRC to handle alone. As far back as 1971 and events in eastern Pakistan, soon to be Bangladesh, the magnitude of the humanitarian needs necessitated UN action.²⁵ The view is widely held that some relief problems are so massive that only governments, particularly their militaries, can respond adequately.²⁶ But ICRC relief operations were not small in Somalia up through the end of 1991, and in both Bosnia-Herzegovina and Jordan during the early 1990s the ICRC coordinated sizeable relief undertakings.

It is possible that improved coordination of relief appeals via the United Nations and its Department of Humanitarian Affairs will pre-empt the ICRC's role as mobilizer of significant Red Cross relief. This is not likely to happen anytime soon, however. Major donors like USAID and ECHO are not insisting on such a coordinated system of mobilization, in part because they regard the ICRC as highly reliable and also well positioned in some conflicts. Some UN attempts at coordinated appeals have proven disappointing.²⁷

Surprisingly enough for an agency that traces its origins to medical assistance for the battlefield wounded in 1859, the ICRC did not try to play a major role in mobilizing medical relief until the 1970s. Such relief was left mostly to the National Red Cross and Red Crescent Societies. From 1977 the ICRC included a medical division, and not just a medical coordinator, in its Geneva structure. Partly because of competition from Doctors Without Borders and other medical groups, by the mid-1990s the ICRC had expanded its medical work to the point where about 20% of its emergency budget, and some 10% of its regular budget, were going to medical field activities. Some at the Geneva headquarters thought this activity was duplicating or undercutting efforts at the national level. In

²⁵ Thomas W. Oliver, *The United Nations in Bangladesh*, Princeton University Press, Princeton, 1978. In that situation, for a time, the UN relief coordinator was a Swiss national who was also a member of the ICRC. It was not always clear whether the person in question was wearing his UN hat or his ICRC hat when directing relief activities.

²⁶ Thomas G. Weiss (ed), *Humanitarian emergencies and military help in Africa*, Macmillan, for the international Peace Academy, London, 1990.

²⁷ Larry Minear and Thomas G. Weiss, *op.cit.* (note 6), p. 118.

any event the ICRC was slow to recognize the need for international medical relief, a need that was filled in part by other organizations that generally had a wider mandate and sometimes a different approach than the ICRC.²⁸ Some of the rougher edges of the competition were moderating by the mid-1990s.²⁹ In places like Rwanda during 1994, MSF personnel worked under ICRC aegis — and under ICRC rules of engagement.

As to whether the ICRC mobilizes the right type of relief, there is some debate. Most in the ICRC relief division do not regard the matter as a major and persistent problem. There are clear guidelines for donations in kind.³⁰ But donors do not always follow these guidelines, and stories abound about a Red Cross/Red Crescent Society, or a government, that insisted on providing something inappropriate or unnecessary. Few are the allegations that the ICRC itself called for inappropriate relief, although some believe the ICRC should have used sorghum rather than rice in Somalia in the early 1990s—so as to lessen attempted diversions of the much-valued rice.

Finally, a word should be said about mobilizing concern as well as material and personnel resources. In the 1970s the ICRC was criticized by an international review team for being deficient in openness and public relations.³¹ The review team believed that the ICRC had unnecessarily and dysfunctionally emphasized discretion beyond its prison visits, so that Geneva had not maximized its support in various circles. ICRC “distance” from National Societies was a case in point. Since that report, for whatever reason, the ICRC has greatly expanded its media and public relations activities. In Somalia during 1992 the ICRC organized a tour and briefing

²⁸ Doctors Without Borders did not orient itself to armed conflict and was not initially much interested in matters of State consent. Physicians for Human Rights was especially interested in forensic medicine, whereas the ICRC refused to cooperate in penal proceedings in order to facilitate its action inside countries. The ICRC, whatever its quiet diplomacy, also did not seek to mobilize opposition to abuse of medical ethics in relation to detainees. On the last point see Eric Stover, *The open secret: Torture and the medical profession in Chile*, American Association for the Advancement of Science, Washington, July 1987 and Gregg Bloche, *Uruguay's military physicians: Cogs in a system of State terror*, American Association for the Advancement of Science, Washington, March 1987.

²⁹ Rony Brauman, “The *Médecins sans Frontières* experience”, in Cahill, *op.cit.* (note 4), ch. 13.

³⁰ ICRC (Relief Division), *Handbook for donors: Technical guidelines for donations in kind to ICRC relief operations*, ICRC, Geneva, September 1989.

³¹ Donald D. Tansley, *Final report: An agenda for Red Cross*, Henry Dunant Institute, Geneva, 1975, pp. 22, 23, 49, 71, 73, 114-5. It should be noted that the present author was a consultant to this review team and drafted part of the report.

for some 730 journalists who were brought from Kenya to better understand the situation.³² Top ICRC officials have sought to use the weapon of public protest or public statement much more frequently than in the past,³³ and without jeopardizing the victims the agency seeks to help. The core issue is not public protest *per se*, but effective openness at times and in ways that better mobilize moral and material support for humanitarian assistance (and detention matters).

It was only in 1995, however, that the ICRC opened an office in Washington. Given the importance of the US, especially its Congress, in all aspects of international relations after the Cold War, and given that other agencies like UNHCR had long had a Washington office to advance their concerns, the ICRC move was tardy. In other ways too the ICRC was still advancing slowly in mobilizing concern about victims of war and complex emergencies.³⁴ Some at the Geneva headquarters would cooperate with scholars and journalists, but others would refuse to on the flimsiest of excuses. One scholar referred to the “polite stonewalling” of the ICRC in his requests for cooperation.³⁵ Not infrequently other relief officials found the ICRC difficult to work with, or “prickly” about its position in relief activity. In the diplomatic phraseology of two authors, the ICRC was not “an organization to take its special status lightly”.³⁶

Overall, the ICRC record on mobilization of resources and concern for victims of war and conflict seems mixed. The ICRC has helped bring important relief to places like Somalia, Bosnia-Herzegovina, and Jordan, although to specify its exact role by comparison with USAID, etc, is

³² Claudio Caratsch, “Humanitarian design and political interference: Red Cross work in the post-Cold-War period”, *International Relations*, No. 11/4, April 1993, p. 308. Mr Caratsch, an ICRC Vice-President, then added that this was more than the ICRC normally does for the press, and that journalists often find ICRC press releases not “sexy” enough, p. 312.

³³ See, *eg.*, *The Economist*, May 21, 1988, p. 80.

³⁴ Michèle Mercier, *Crimes sans châtement: L'action humanitaire en ex-Yougoslavie 1991-1993*, Bruylant, Brussels, 1994; and Christophe Girod, *op.cit.* (note 17). Both books were published first in French. The former was also published in English: *Crimes without punishment*, Pluto Press, London, 1995. But the latter was not published in English after a diplomatic protest. Yet there is little in Girod's French text to justify non-publication in English, in this author's opinion. One interviewee in Geneva told me: “A diplomatic protest is not to be taken lightly”. It is rather doubtful that many other relief agencies, which emphasize independent concern for civilians, would curtail circulation of a historical account because of a State's unhappiness with its contents.

³⁵ Hutchinson, *op.cit.* (note 3), p. 3.

³⁶ Minear and Weiss, *op.cit.* (note 6), 164.

sometimes difficult. It was slow, however, to fulfill the need for international medical relief, slow to see the importance of a Washington office, and slow to recognize the need for broad support and cooperation. Because of its emphasis on discreet work inside countries, it has rarely been the key agency in attracting public attention to a major humanitarian problem, although some quiet diplomacy may not be documented.

IV. Delivery

The ICRC provided small-scale relief in the Middle East after World War II, but it was only at the time of the Nigerian civil war that it began to deliver food aid during ongoing armed conflict in a sustained and significant way.³⁷

Despite the creation by the UN of the DHA, it is still true that in most armed conflicts and complex emergencies it is "pluralism run riot".³⁸ In the former Yugoslavia during the early 1990s there were some 125 NGOs active in relief, not counting intergovernmental, governmental, and intra-national or local groups.³⁹ Insofar as central generalizations can be drawn from this complexity, it can be said that technical or logistical cooperation among various relief actors is often good, but that coordination of strategy is a different matter.

The ICRC not infrequently arrives at a division of labour with other major relief agencies such as UNHCR, UNICEF, the World Food Programme (WFP), etc. This division of labour pertains to food, water, shelter, and medical services. In the former Yugoslavia, UNHCR ran the largest relief programme; the ICRC had the second largest with very little overlap or confusion between the two. Both were headquartered in Geneva, both aspired to similar objectives, and each respected the other. In Sudan for much of the 1980s, UNICEF was the lead UN agency; the ICRC and UNICEF reached agreement on who was to do what, where. In Rwanda during 1994, the ICRC worked inside the country with other groups such as MSF, while UNHCR and others focused on some two million civilians in need in Zaire and elsewhere. In Sri Lanka in the 1980s

³⁷ ICRC, *The role of the ICRC in relief operations*, op.cit. (note 21), pp. 1-2. See also Dominique-D. Junod, *The imperiled Red Cross and the Palestine Eretz-Yisrael conflict 1945-1952*, Kegan Paul International, London and New York, 1996.

³⁸ Quoted in Randolph C. Kent, *Anatomy of disaster relief: The international network in action*, Pinter Publishers, London, 1987, p. 173.

³⁹ Minear et al., *Humanitarianism in the former Yugoslavia*, op.cit. (note 12), p. 40.

and 1990s, the ICRC “neutralized” government-supplied relief going into the Jaffna peninsula where a rebel/secessionist movement was entrenched much of the time. Other agencies such as UNHCR, Oxfam, Save the Children, MSF, and local groups all took on other tasks with little overlap. In Liberia, the ICRC reached agreement both with UNICEF (which took over an ICRC emergency programme for abandoned children), and the World Food Programme (which supplied food for an ICRC relief operation to help certain civilians cut off by the fighting). We have already referred to ICRC-UNICEF cooperation in Cambodia, and have made passing reference to ICRC-UN cooperation in what became Bangladesh. According to one informed view, “[t]he last twenty years have seen considerable improvement in the speed and efficiency of the humanitarian response to...crises, showing just how much progress has been made on the technical side”.⁴⁰

It is well and good to say that “[w]hen it comes to humanitarian emergencies there is no room for rivalries and turf fights”.⁴¹ But competition does occur, and we have already referred to the ICRC and Joint Church Aid in Nigeria, the ICRC and the International Federation in Ethiopia, and the ICRC and medical groups such as MSF. Private relief groups compete for “market share”, and want to establish independent credit if only for purposes of future fund-raising. The various UN agencies also seek to build independent reputations, in part because they depend on voluntary contributions from donors like the US. The leading policy-makers of relief agencies may seek independence in a quest for personal recognition. Some actors are more solicitous than others of international norms, whether legal or otherwise. Some rely more on public protest about wrongdoing. Some believe they should use their presence to contribute to criminal prosecutions; the ICRC disagrees. The complexity of situations, as in Ethiopia in the 1970s and 1980s, or Zaire in the 1990s, guarantees a variety of viewpoints among relief agencies about the wisdom of any one policy.⁴²

⁴⁰ *Médecins sans frontières* (eds), *Populations in danger*, MSF-UK, London, p. 13.

⁴¹ Jan Eliasson, quoted in: Erskine Childers, with Brian Urquhart, *Renewing the United Nations system*, The Dag Hammarskjöld Institute, for the Ford Foundation, Uppsala, 1994, p. 255.

⁴² After the Rwandan mass exodus in 1994, various relief agencies disagreed about whether to provide food to refugee camps in which militias operated. UNHCR continued with food deliveries, but MSF stopped its medical work, believing it was contributing to a resumption of fighting in the future.

Because the ICRC has a mandate that includes detention matters, and because the ICRC will sometimes take on special tasks, its decisions about assistance may be affected. It is highly likely that its decisions about relief in greater Ethiopia were affected to some degree by its endeavour to visit detained fighters. It is reasonably clear that the ICRC has sometimes used assistance as a “bait” or “carrot” to gain access to detainees. In Mexico in the 1990s, ICRC decisions to provide relief in the province of Chiapas seemed to be linked to broader concerns regarding prisoners and other matters requiring a neutral intermediary.⁴³

The ICRC makes independent decisions about when security situations require the suspension of its activities. It stayed in Somalia long after most UN personnel had been withdrawn. But elsewhere it has suspended relief for security reasons, as in Bosnia-Herzegovina and Liberia in the early 1990s. Between 1988 and early 1994, 18 persons working in ICRC delegations were held hostage for varying lengths of time, and another eight were killed in various ways.⁴⁴

The ICRC tries to provide basic or emergency relief only, with some transition to more development or emergency rehabilitation relief. On occasion it provides seed, farming tools, fishing equipment, etc., so that people can provide for themselves after the emergency phase has passed. The ICRC has also carried out cattle vaccination programmes because of its concern for both self-sufficiency and self-respect. The agency seeks to avoid prolonged dependency on its relief. But there is debate in Geneva about emphasis on emergency relief with little development assistance — a situation that can lead to recurring crises.

The agency complies with UN stipulations regarding embargoes, even when it believes the UN is in error. Thus when the Security Council imposed comprehensive sanctions on Iraq in the 1990s, the ICRC did not try to break sanctions even when it thought the policy too harsh on vulnerable groups of the Iraqi civilian population.

Overall, the ICRC has earned a reputation for delivering rapid and effective relief, particularly on a small to medium scale. It can act in a timely manner, being much smaller and more flexible than UN agencies, and having personnel already on the spot in many regions of the world.

⁴³ Béatrice Mégevand, “Between insurrection and government,” *IRRC*, No. 304, January-February 1995, pp. 94-108.

⁴⁴ *Red Cross/Red Crescent*, January-April 1994, p. 21.

It is particularly well known for logistical efficiency and for the discipline and commitment of its personnel.⁴⁵

V. Evaluation and planning

The ICRC, seeing itself as the guardian of international humanitarian law, tries systematically to translate its practical experience into principles of humanitarian action. Thus it now reviews its own policies, proposes resolutions for the International Conferences of the Red Cross and Red Crescent to adopt, and helps draft international legal standards for State consent.

Before the Nigerian civil war, however, the ICRC was not altogether given to careful evaluation and planning. During World War II top ICRC policy-makers met in Geneva spasmodically in a non-rigorous and not fully systematic process. They did not have the sources of information needed for sharp decisions about assistance and detention visits. Some key players were ultra cautious and legalistic. They were pressured by Swiss government authorities not to be too tough vis-a-vis Nazi Germany, in the interests of the neutrality and independence of the Swiss State.⁴⁶ The record was such that there was an effort to internationalize the all-Swiss ICRC.⁴⁷

Immediately after the Nigerian civil war, when former high ICRC officials hammered home the point about lack of carefully planned policies,⁴⁸ important changes occurred in Geneva.⁴⁹ The agency put more day-to-day policy in the hands of professional staff, improved the training of delegates, reconsidered the role of the volunteer Assembly, and in general became a more reflective and professional humanitarian institution. Unlike some agencies that spring up overnight for particular crises,

⁴⁵ Andrew S. Natsios, *op.cit.* (note 10), pp. 73-74.

⁴⁶ On ICRC decision-making in World War II see especially Jean-Claude Favez, *Une mission impossible? Le CICR, les déportations, et les camps de concentration nazis*, Payot, Lausanne, 1988. Favez had access to ICRC archives. Compare with François Bugnion, *op.cit.*, (note 3), who gives a more favourable interpretation but who is an ICRC official.

⁴⁷ Dominique-D. Junod, *op.cit.* (note 37).

⁴⁸ Jacques Freymond, *Guerres, Révolutions, Croix-Rouge*, Graduate Institute of International Studies, Geneva, 1976. Freymond was a Vice-President and Acting President of the ICRC.

⁴⁹ Some of the changes are captured by Isabelle Vichniac, *Croix-Rouge, les stratèges de la bonne conscience*, Alain Moreau, Paris, 1988, but there are errors in this account.

or that launch into action with an abundance of moral fervour but without careful reflection, the ICRC increasingly tried to bring its institutional memory to bear on current and future issues pertaining to humanitarian assistance.

The ICRC was part of an effort throughout the Red Cross/Red Crescent Movement to produce “national vulnerability assessments” by National Societies in anticipation of problems. It interacted with others to help produce codes of conduct for humanitarian agencies and drafts of a clarified right to humanitarian assistance.⁵⁰ In various ways the ICRC has proven a key player as the international community stumbles toward planning for an improved relief system for wars and similar events on the eve of the twenty-first century.

VI. Conclusions

The ICRC is not the one and only relief actor for international humanitarian assistance in armed conflicts and civil strife. The global challenge is too great; the ICRC is too small. There is increased demand for sound public management in the area of humanitarian assistance. The ICRC remains a private Swiss agency, although recognized under public international law. Just as the ICRC has failed to dominate the evolution of the Red Cross/Red Crescent Movement, with symbols and entities coming into existence that weakened the Movement’s unity, so has the ICRC failed to dominate relief in armed conflicts and complex emergencies. Whether it could have been otherwise I leave to the historians.

Changes occurred after the Nigerian civil war that made the ICRC one of the more respected and effective providers of assistance in conflict situations. Mohamed Sahnoun, an Algerian diplomat who was the representative of the UN Secretary-General in Somalia, and who was not hesitant to criticize malfeasance, identified the ICRC as one of two agencies (UNICEF was the other) which had made a “sterling contribution” in the extremely difficult circumstances of that failed State during the 1990s.⁵¹ Larry Minear, who took part in a major study of humanitarian

⁵⁰ See, e.g., “Guiding principles on the right to humanitarian assistance”, adopted by the Council of the International Institute of Humanitarian Law (San Remo), in *IRRC*, No. 297, November-December 1993, pp. 519-525.

⁵¹ Mohamed Sahnoun, *Somalia: The Missed Opportunities*, US Institute of Peace Press, Washington, 1994, p. 18. See also his comment laying blame on “an overwhelming United Nations bureaucracy that, in contrast to the Red Cross, is made up of civil servants more interested in careers and perquisites than in the job at hand”, quoted in J. Perlez, “No easy fix for Somalia”, *New York Times*, 7 September, 1992, p. A1.

assistance conducted via Brown University, concluded that “[t]he ICRC has the most consistent record of functioning well under duress” in conflict situations.⁵² The late Fred Cuny, a widely respected expert on disaster assistance, also praised the ICRC, although he thought the agency’s penchant for secrecy would keep it from playing a wide role in most conflict situations.⁵³ James Ingram, with long experience in international food efforts, commented that “[t]he bravery and competence of ICRC staff are beyond reproach and have aroused great admiration”.⁵⁴

One can conceive of certain scenarios that would reduce the ICRC’s role as coordinator of Red Cross relief in conflict situations. The DHA might be given real authority to coordinate the relief action of UN agencies, although this seems unlikely at the time of writing. Conversely, the DHA might be dissolved, and an improved UN disaster agency created, perhaps on the back of the UN Development Program. This also seems unlikely. A third possibility is that the major donors, USAID and the ECHO, might themselves insist that a more effective system be adopted by existing agencies, just on the strength of their donations and related logistics capability. Since the ICRC resists this type of vertical coordination by public/political bodies, it might be left mostly on the sidelines with only the roles of advance warning and small-scale temporary relief.

But to the extent that the current system of international humanitarian assistance continues, the ICRC is likely to remain one of the more important aid providers. It has performed the various tasks inherent in assistance reasonably well. It endorses horizontal or voluntary coordination among relief agencies, and the current system performs better than one might expect from an initial look at its complexity.

The ICRC has not been marginalized in the provision of humanitarian assistance by the proliferation of other agencies. It has found various important roles for itself, with donor support, that vary from case to case. The ICRC, like other relief actors, has been marginalized in some conflicts at certain times by the warring parties themselves. That the ICRC was kept

⁵² Larry Minear, “Making the humanitarian system work better”, in Kevin Cahill, (ed), *op.cit.* (note 4), p. 243.

⁵³ Fred Cuny, “Humanitarian assistance in the post-Cold War era”, in Thomas G. Weiss and Larry Minear, (ed), *Humanitarianism across borders*, Lynne Rienner, Boulder, 1993, p. 168.

⁵⁴ James Ingram, “The future architecture for international humanitarian assistance”, in Thomas G. Weiss and Larry Minear, *op.cit.* (note 53), p. 189 and *passim*.

from providing the assistance it wanted in places like Liberia or Sudan was not the fault of the agency, but of the inhumane values of the combatants.

Could the ICRC ever assume the role played by the British Broadcasting Corporation in 1984 when it triggered massive assistance for Ethiopia through its dramatic coverage of starvation? Probably not, given the ICRC's penchant for discreet action in-country. But times change, and one can dream.

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