

The International Committee of the Red Cross in the international community¹

by André Durand

1. A CONCERN FOR UNIVERSALITY

When one examines the origins and development of the Red Cross, one cannot fail to be struck by the contrast between the modest circumstances surrounding its creation, in 1863, by five men of good will, members of the *Société genevoise d'utilité publique*, and the worldwide dimension it has since then acquired. Today, the Red Cross is represented in 130 countries, and there are few people who have not at one time or another availed themselves of its services, either perhaps under dramatic circumstances during a conflict or a natural disaster, or simply in the more familiar areas of social welfare and blood collection.

But this development has its negative side, for the Red Cross developed to such an extent because acts of violence and repression continued to increase in number and intensity, instead of decreasing, as had been hoped in the second half of the nineteenth century. Indeed, if we except the extremely violent upheaval of the two world wars, there is no doubt that the world has never witnessed so much violence as there is today. It therefore would seem that the development of the ICRC and the role of the Red Cross in time of conflict mirror the increase of situations of belligerence and insecurity.

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Nevertheless, the ICRC should not be regarded as just a palliative against the effects of violence, and as an epiphenomenon of war. It is true that the founders of the International Standing Committee for Aid to Wounded Soldiers—the ICRC's original designation—had set as their aim the amelioration of the condition of the wounded in armies in the field, by creating relief societies for wounded soldiers and attaching to the belligerent armies a corps of nursing volunteers. But at the same time, they had in mind a kind of international community in which those societies would all be identified by a single sign and be protected by a treaty.

It was undoubtedly this concern for internationalism that dictated the ideas of the founders of the International Committee, and of Henry Dunant in particular, and led to the success of their enterprise. Such concepts constituted a novel approach in the Europe ruled by kings and emperors, at a period when the notion of internationalism was coloured by political hues. But the International Standing Committee, in proposing this idea, which was easier to accept because it had been put forward by a neutral country with only modest aspirations to a role in the concert of nations, opened the door to international humanitarian law and, for its tasks, prepared extensive foundations on which the Red Cross structure could be raised.

2. NEUTRALITY

Red Cross neutrality is one of the conditions of Red Cross universality. As we shall see, neutrality is one of the fundamental principles of the Red Cross. It draws its inspiration from the neutrality of its founders, who were citizens of a neutral country and whose attitude could not be other than neutral. Consequently, the neutrality of the ICRC is not just the expression of a logical standard of conduct. The ICRC has been neutral from its very origin.

The ICRC's neutrality, "a decisive factor for the confidence which it must enjoy", is reinforced by Switzerland's neutrality which, being founded on historical treaties and not subject to revocation to suit changing circumstances, allows the ICRC to plan a long time ahead. In this way, the neutrality of Switzerland may be seen to lend support to that of the ICRC, while the ICRC, in putting its neutrality into application, has given examples of what active neutrality may achieve.

It is true that, in a world where all action—and not only political action—is an expression of a commitment, it may be sometimes found regrettable that the ICRC does not take sides. But if the ICRC does

abstain from taking part in political, ideological or religious disputes, that is because it is the party of the victims of war.

3. THE ICRC AS PART OF THE INTERNATIONAL RED CROSS

The International Red Cross is an entity composed of three elements:

- The *ICRC* is the founding organ of the Red Cross. As a neutral intermediary in time of armed conflicts or troubles, it endeavours, on its own initiative or basing itself upon the Geneva Conventions, to ensure the protection of and assistance to military and civilian victims of international wars, of civil wars and of internal troubles and tensions.
- *The National Red Cross and Red Crescent Societies*² are officially recognized by their countries' governments; they perform their tasks principally in the fields of relief, health, social welfare; they organize first aid courses and training courses for nursing personnel, arrange blood transfusion and youth programmes; in time of war, they act as auxiliaries to the army medical services.
- *The League of Red Cross Societies* is the international federation of the National Red Cross and Red Crescent Societies; its role is to contribute towards the development of the National Societies, co-ordinate their relief actions in aid of the victims of natural disasters, and assist refugees outside conflict zones.

There are, also, three legislative assemblies within the International Red Cross.

The *International Conference of the Red Cross* is its supreme deliberative body. It brings together in a single assembly representatives of the recognized National Societies, the League, the ICRC and States parties to the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

The *Council of Delegates* is composed of delegates of the recognized National Societies, ICRC and League, but does not include the representatives of States.

The supreme decision-making body of the League is its *General Assembly*, composed of delegates of National Society members of the League and of League representatives. The ICRC is entitled to take part in the General Assembly as an observer.

² The red cross and the red crescent are emblems of the same concept.

Between International Conferences, the co-ordination of ICRC and League activities and preparations for the Conferences are the responsibility of the *Standing Commission of the Red Cross*, which comprises nine members; five from National Societies, two from the ICRC and two from the League.

The bodies comprising the International Red Cross do not merely exist side by side in a common body. Although they retain their autonomy, they are linked to each other by the provisions of their statutes, allied in their common operations, and united by their principles. They may be examined separately for the purpose of analysing their structure and role, but in practice they are interdependent, like the gears of a machine.

4. THE FUNDAMENTAL PRINCIPLES

The founders of the Red Cross at first concentrated their efforts on practical action. They were carried away by a sentiment of justice and fellowship which to them appeared to be so incontrovertible as to need no explanation. The fact that they manifested so much faith in the success of their undertaking may no doubt be explained by their reliance on two assumptions: first, the universality of law that would allow them to ensure the acceptance and application of a treaty by all nations; and secondly, the existence of a natural set of moral values, common to all men, and irrespective of the diversity of cultures, customs and religions.

Very soon, it became apparent that it was necessary to proclaim the National Societies' appurtenance to an international community, each one pursuing the same aim in its own country.

At first, they used the same sign. Then, they gradually adopted the same designation: Red Cross Society.³ Later still, in order to prevent societies' putting forward disparate programmes and objectives, and to avoid "all kinds of associations from being allowed to call themselves members of the League of the Red Cross",⁴ the ICRC took the initiative, confirmed soon afterwards by International Conference resolutions, to

³ The Netherlands National Society was the first to adopt this title, in 1867.

⁴ Gustave Moynier, *La Croix-Rouge, son passé et son avenir*, Paris, Sandoz et Thuillier, 1882, p. 58.

watch over the application of what it already called the fundamental principles.⁵

After the First World War, the Red Cross endeavoured to define and clarify the principles underlying its actions, in a way that would be acceptable to each of its constituents. A series of studies were conducted by, in particular, Max Huber,⁶ Professor Jean Pictet,⁷ the International Conferences of the Red Cross, and the League Assemblies, at the end of which the Twentieth Red Cross Conference (Vienna, 1965) adopted seven fundamental principles, each one followed by a brief commentary constituting an integral part of the relevant principle since it expresses its meaning and its scope in the world of the Red Cross.

Humanity—The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours—in its international and national capacity—to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace among peoples.

Impartiality—It makes no discrimination as to nationality, race, religious beliefs, class or political opinion. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality—In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence—The Red Cross is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles.

⁵ “ Thanks to the moral authority it enjoys, and with the tacit consent of all the National Societies, it (the ICRC) watches over the general interests of the institution, employs its influence, from time to time, to prevent its departing from its fundamental principles and, whenever necessary, issues so to speak its exequatur to the new societies applying for membership.” Gustave Moynier, op. cit., p. 59.

⁶ Max Huber, *Principes d'action et fondement de l'œuvre du Comité international de la Croix-Rouge (1939-1946)*, CICR, Genève, 1947.

⁷ See Jean S. Pictet, *Red Cross Principles*, with a preface by Max Huber, ICRC, Geneva, 1956. Also by Jean S. Pictet: *The Fundamental Principles of the Red Cross, Commentary*, Henry Dunant Institute, Geneva, 1979.

Voluntary service—The Red Cross is a voluntary relief organization not promoted in any manner by desire for gain.

Unity—There can be only one Red Cross Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality—The Red Cross is a world-wide institution in which all Societies have equal status and share equal responsibilities and duties in helping each other.

This text constitutes the basis of Red Cross doctrine today and the criterion by which an undertaking intended to be carried out by the Red Cross may be judged to fall within its competence or not. These principles inspire the activity of the Red Cross, while making the simplest and commonest everyday action the tangible sign of a universal concept.

In accordance with a decision of the Twentieth Conference, the Vienna Proclamation is read out at the opening of every International Conference. With the purpose of asserting the National Societies' adherence to the principles, the League has inserted them as a preamble to its Constitution, while the ICRC is instructed by its own statutes, as well as by the statutes of the International Red Cross, to maintain them.

5. THE ICRC AND INTERNATIONAL¹ HUMANITARIAN LAW

When the ICRC was founded, it set itself two principal objectives: the first, as we have seen, was the creation, in 1863, of Relief Societies auxiliary to the medical services of the armed forces; the second was attained, the following year, with the conclusion of the first Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (22 August 1864).

Since then, the ICRC has continued, under its statutes, to further international humanitarian law. Working together with the National Societies and with experts nominated by various governments, it has prepared successive projects for the revision of the Conventions in force and for the elaboration of new conventions.

The Geneva Conventions were drawn up by the plenipotentiary envoys of States, meeting in a Diplomatic Conference. It has been the custom for the Diplomatic Conference to be convened and presided by the Swiss Federal Council, which is the depositary of the Conventions.

The first Geneva Convention was revised in 1906. In 1907, The Hague Conference adapted its provisions to maritime warfare. In 1929, further revisions were made to the first Geneva Convention, while a

Convention relative to the treatment of prisoners of war was adopted. The 1949 Diplomatic Conference revised the three existing Conventions and added a fourth Convention, relative to the protection of civilian persons in time of war.

The four Geneva Conventions of 12 August 1949 are applicable in the event of international war. They also contain an article, common to all four Conventions, laying down the minimum rules to be observed by belligerents in the case of a non-international conflict. But these rules proved to be inadequate in dealing with the kinds of conflict that arose after the Second World War: wars of liberation, civil wars, rebellions involving political and ethnic groups which lacked the status of States, and in which guerrilla methods of combat played an essential role.⁸

The ICRC was given a mandate by the Twentieth International Conference to supplement the 1949 Geneva Conventions. This it did by extending the principles of which they were the legal expression to all kinds of armed conflict. After several years of preparatory studies, carried out by the ICRC, with the participation of representatives of the National Societies and of the League, and of experts nominated by governments and international organizations⁹, the plenipotentiaries of the States party to the Geneva Conventions, convened by the Swiss Federal Council, agreed on two new instruments of international humanitarian law, the Additional Protocols of 8 June 1977¹⁰.

Protocol I extends the notion of international armed conflict to "*armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination*". It confirms the basic principle that "*the right of the parties to the conflict to choose methods or means of war is not unlimited*".

The main provisions of Protocol I strengthen the protection of the wounded, sick, shipwrecked and medical transportation personnel. They extend combatant and prisoner-of-war status to forces, groups and

⁸ See Michel Veuthey, *Guérilla et droit humanitaire*, Henry Dunant Institute, second ed., ICRC, Geneva, 1983.

⁹ Over one hundred States sent representatives to each of the various sessions. Other groups invited to take part in the Diplomatic Conference discussions — though not entitled to vote — were those liberation movements recognized by the regional intergovernmental organizations.

¹⁰ Of the 168 States comprising the international community, 156 are to date (30 June 1984) parties to the four Geneva Conventions of 12 August 1949. In addition, one State is a party to the two Geneva Conventions of 27 July 1929.

There have been to date (30 June 1984) 42 accessions to or ratifications of Protocol I, and 36 accessions to or ratifications of Protocol II.

units which are under a responsible command and subject to an internal disciplinary system which, inter alia, enforces compliance with the rules of international humanitarian law, and they afford general protection to the civilian population against the effects of hostilities. The Protocol prohibits indiscriminate attacks, attacks whose effects cannot be limited, and the employment of methods and means of warfare liable to cause superfluous injuries, or which may be expected to cause widespread, long-term and severe damage to the natural environment. The civilian population, especially women and children, are the subject of special measures of protection. Civil defence organizations and journalists engaged in dangerous professional missions in conflict zones are also protected. The ICRC's protection and assistance activities and its right of initiative are reaffirmed. In general, Protocol I strengthens the provisions of the Geneva Conventions in most of the areas where shortcomings had been noted, while the extension of the scope of the Conventions has led to a corresponding tightening of measures for the repression of breaches.

Protocol II may be considered as a simplified version of Protocol I, adapted to the special conditions met with in an internal conflict taking place in the territory of a State "*between its armed forces and dissident armed forces or other organized armed groups*". In restating and amplifying the substance of common article 3 of the four Geneva Conventions, Protocol II reaffirms its principles, sets forth the fundamental guarantees in respect of all persons who do not take a direct part in hostilities, lays down rules for the treatment of persons deprived of their liberty and extends to the wounded, sick and shipwrecked, to medical and religious personnel and to the civilian population the fundamental rules of humanitarian law.¹¹

In this way, the scope of international humanitarian law has been extended to spheres which had hitherto remained beyond its reach, by an amplification demonstrating that the protection of the victims of violence cannot be fully ensured except by the simultaneous application of the principles of traditional humanitarian law (law of Geneva), of the law of war (law of The Hague) and of human rights.¹²

¹¹ The ICRC Legal Division is at present engaged in the drafting of the commentaries to the Additional Protocols.

¹² "*The law of war and the law of peace, international law and internal law, the scopes of which were at first clearly distinct, are today often applicable at the same time side by side. Thus, the Geneva Conventions and the human rights conventions may often be applied in cumulative fashion.*" Dietrich Schindler, «The International Committee of the Red Cross and Human Rights», *International Review of the Red Cross*, January-February 1979, No. 208, p. 9.

This does not mean that this law has reached the limits which the legislators would have wished to attain. With the progress of law, new imperatives emerge. There are still areas which are not covered by the law, and even where it is in force its application is restricted by many obstacles. In this sphere, perfection can never be attained. As Gustave Moynier said, it is the savagery of war that in the last resort must be swept away: "a civilized war is a nonsense".¹³

6. A VARIETY OF TASKS

Thus, the ICRC, firmly merged in the Red Cross world, empowered to act by virtue of the Geneva Conventions, designated by tradition and by its own statutes, armed with its right of initiative—which has become one of its traditional aspects—exercises a whole set of activities stemming from an essential aim: the protection of the human person against the effects of violence or arbitrary power. Its vocation calls forth a great variety of tasks, constant preparation and continual intervention.

The visits carried out by the ICRC to prisoners and detainees constitute the ICRC's most widely known activity, the goal of a long-sustained effort, where two conflicting societies meet: the world of the prison, invented to restrict man's liberty, and the humanitarian world, created to alleviate as far as possible the effects of the restriction of liberty. Through this activity, developed during the First World War and incorporated into humanitarian law in 1929, the ICRC seeks to reach all persons deprived of their freedom or of their rights as a consequence of a conflict situation: to visit not only prisoners of war in an international conflict, but also persons taken captive in a civil war, prisoners held in situations of internal troubles, and even detainees kept in prison on security grounds.¹⁴

The ICRC delegates are accordingly called upon to intervene, subject to the consent of the detaining authorities, in any situation of conflict, including, if need be, in territories controlled by rebel forces.¹⁵

¹³ Gustave Moynier, *Essai sur les caractères généraux des lois de la guerre*, Geneva, 1895, p. 45.

¹⁴ See Jacques Moreillon, *Le Comité international de la Croix-Rouge et la protection des détenus politiques*, Lausanne, L'Age d'homme, 1973.

¹⁵ In 1982, ICRC delegates visited 523 places of detention in 30 countries, and saw 86,000 persons deprived of their liberty, of whom 55,000 were prisoners of war in about ten countries. The largest number of the prisoners visited were those made captive in the course of the Iran/Iraq conflict (33,710); the next largest number were those in the Falkland/Malvinas conflict (11,692, most of whom were visited on board British vessels). (From the *1982 Annual Report*, ICRC, Geneva, page 73.)

These activities comprise not only visits and steps taken in aid of persons deprived of their liberty. More and more, an information and educational campaign on international humanitarian law, that may be considered as preventive action contributing to protection, is directed to the fighting forces.

Assistance is the natural complement of protection. In 1982, the ICRC provided material and medical assistance to a value of 183 million Swiss francs, in aid programmes carried out with the support of various governments, National Societies and the League.¹⁶ The most extensive relief action undertaken in 1982 was in aid of the civilian population in Lebanon. By the end of that year, 7,231 tons of relief had been distributed to more than 250,000 persons, mostly in Beirut. Over forty relief delegates, ten of whom were sent by National Societies, took part in this operation in the field.¹⁷

In October 1983, the ICRC had 34 permanent delegations established in various countries throughout the world; the total number of their personnel amounted to 1,234.¹⁸ It is not possible to indicate here, even in summary fashion, all the operations in which the ICRC is engaged. But mention will be made at least of those demanding special means and long-term commitments: in Africa, the ICRC is engaged in a large number of countries, including Ethiopia, Somalia, Sudan, Zaire, Chad, Angola, Mozambique, Namibia, Zimbabwe; then there are its actions for the protection of the prisoners in Iraq and Iran, and of Afghan refugees in Pakistan, protection and assistance actions in Latin America, mainly in El Salvador and Nicaragua, various commitments in South-East Asia, which include material and medical assistance for refugees in Thailand—an operation which has been going on since 1975 with the co-operation of medical and surgical teams provided by a number of National Societies—the relief operation in East Timor, and assistance for the population in Poland.

In addition, there is all the work carried out by the Central Tracing Agency, an international exchange centralizing information about interned, missing or displaced persons and refugees; it is also a correspondence centre for persons lacking means of communication. Its action

¹⁶ Thanks to agreements concluded with the European Economic Community and the Swiss Confederation, the ICRC provided 13 countries with food aid to a total value of 31.9 million Swiss francs.

¹⁷ *1982 Annual Report*, pp. 69 and 70.

¹⁸ Personnel on mission: 411. Locally-recruited staff: 823.

is often conducted in the areas where conflicts are taking place, in co-operation with the National Societies concerned.¹⁹

One of the ICRC's standing specific concerns is to bring improvements to its doctrine, while other tasks include the development, dissemination and teaching of international humanitarian law. The teaching of international humanitarian law is the object of a special programme, carried out in co-operation with the League and National Societies, to make it known among members of the armed forces, government circles, universities, schools, medical circles and the mass media.

Finally, in the pursuit of its goals, the ICRC maintains contact with the international organizations and with non-governmental bodies concerned with aid and legal questions, in particular with the United Nations—where the ICRC, as a non-governmental institution, enjoys observer status—the Human Rights Commission, the Economic and Social Council, WHO, UNICEF, the United Nations High Commissioner for Refugees, the Inter-Governmental Committee for Migrations, the San Remo Institute of International Humanitarian Law, the International Peace Academy and numerous regional associations. The ICRC has a permanent representative to international organizations in New York.

7. A CONSTANT EVOLUTION

The significance of an institution is measured not only in terms of its past achievements, but also in relation to its prospects in the years ahead. The activity pursued by the ICRC for 120 years has provided it with firm foundations, a unique experience and a fully justified fund of confidence. But in an era of technological change, so swift that it appears to foreshadow the beginnings of a new industrial revolution; when past ideologies are discarded or are in process of re-evaluation, the ICRC cannot afford to stand aside and let that evolution pass it by.

The specific character of ICRC action lies in the fact that it is conducted in a situation which has deviated from the norm, which means that it is difficult to establish long-term plans. It is quite certain, however, that the problems which the ICRC will have to face in the years ahead, in the field of protection and assistance, will not diminish in frequency and intensity and in their effects. The ICRC, which views the future with pessimism but acts with optimism, must provide for

¹⁹ In 1982, the Central Tracing Agency forwarded 1,352,794 family messages, registered 507,975 names, received 84,060 enquiries and filled in 65,534 capture cards. (*1982 Annual Report*, p. 77.)

the most serious situations, building up the requisite means for intervention.

It is through its continuous efforts to adapt, teach and explain that the ICRC will be able to maintain its position in a world of radically opposite tendencies, where suspicion and fear are rife to the point of obsession, and where the power of States is measured in megatons. Consequently, the ICRC must increase its means in proportion to the size of its task and must set against the rise of violence the irresistible advance of law. It must maintain its presence wherever necessary, in all places and all circumstances and, to mark its respect for the legitimate intensity of national feeling, must make others understand that it does not exercise a monopoly but acts by virtue of a mandate. To counter the ideological divergences referred to by such compact expressions as East-West and North-South, the ICRC must conduct a policy of reciprocal communication and information, so as to keep up its own credibility among apparently opposing systems. It can do this by taking advantage of the cohesion uniting all the components making up the Red Cross, the only institution in the world capable of expressing a common will, in spite of the diversity of its constituent elements.

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