

Simone Delorenzi, *Face aux impasses de l'action humanitaire internationale: la politique du CICR depuis la fin de la guerre froide*, International Committee of the Red Cross, Geneva, 1997, 112 pp.

What are the new problems facing international humanitarian action as a result of the disappearance of the old East/West antagonism, closely followed by the disintegration of the Soviet Union itself? With the emergence of the new world order, how has ICRC policy changed since the Cold War period? What has been the ICRC's response to the new challenges that have arisen since 1989? No comprehensive answer had been given to these questions before the publication of this book by Simone Delorenzi, who examines the issues meticulously and makes pertinent observations. This pioneering work is based on a substantial number of ICRC and United Nations documents, and on an extensive bibliography. The author has also been able to draw on a variety of contacts within the ICRC.

When the world was under the sway of two opposing blocs, the neutrality of the ICRC was challenged by the Communist side. Even though this hampered the ICRC's work, the numerous activities which it conducted at that time enabled it to gain a measure of confidence on the part of the Eastern bloc countries; this had already happened before the adoption in 1965 of the seven Fundamental Principles of the International Red Cross and Red Crescent Movement, which aimed to demonstrate the ICRC's impartiality and show that those principles were the basis of its activity.¹ From the 1950s onwards, the ICRC had to face an additional

¹ An article quoted by the author notes that the ICRC was chosen in 1962 to monitor the Soviet ships during the Cuban crisis. Moreover, during the Sino-Vietnamese conflict of 1979, "the ICRC's role as a neutral intermediary was again recognized". See François Bugnion, "From the end of the Second World War to the dawn of the third millennium: The activities of the International Committee of the Red Cross during the Cold War and its aftermath: 1945-1995", *International Review of the Red Cross*, No. 305, March-April 1995, pp. 214 and 222.

challenge resulting, on the one hand, from the emergence of conflicts of a hitherto unknown nature and, on the other, from their proliferation. Here, the ICRC was confronted with new methods of warfare which *inter alia* called into question the distinction between combatants and non-combatants. All of this prompted the drafting, in the 1970s, of the two Protocols additional to the Geneva Conventions of 1949. The author also offers a very clear presentation of the implications of the humanitarian policy adopted in the war in Biafra (Nigeria), which led the ICRC to review some of its operational methods. Soon afterwards, it had to meet the challenge of the 1970-1980 period, which saw the gigantic expansion of humanitarian action. Simone Delorenzi reflects on the ICRC's policy of discretion regarding violations of the Geneva Conventions, of which it is the custodian. She places this still eminently topical question in its historical context, referring to the debates generated by the creation of non-governmental organizations "without frontiers" and the study by Jean-Claude Favez on the ICRC's attitude during the Second World War.² Even though the ICRC has always insisted on maintaining the discretion it has observed since the time it was founded, the author points out that since the late 1960s the organization has adopted a more outspoken approach, taking a public stance on an increasing number of occasions.

The break-up of the USSR and the ensuing consequences meant that the ICRC could conduct operations in a part of the world where for a long time this had been practically impossible. The organization had to adapt its work to meet the needs of a much more urbanized population, with a higher standard of living than the people to whom it had been providing assistance since the 1950s. From 1989 on the main issue for the ICRC was, however, the emergence of a new type of conflict, in which total anarchy prevails; in such conflicts there is almost total lack of respect for the fundamental rules of international humanitarian law and for the emblem, and civilians are increasingly the issue at stake in the fighting. Indeed, the parties involved in these new conflicts are no longer really interested in lending legitimacy to their struggle, which would require them to observe at least a modicum of respect for humanitarian law. Hence the ICRC often has to work in situations of extreme insecurity for its delegates, which at times has compelled it to suspend or restrict some of its operations.

² Jean-Claude Favez, *Une mission impossible? Le CICR, les déportations et les camps de concentration nazis*, Editions Payot, Lausanne, 1988.

Having outlined the overall geostrategic situation in which the ICRC now has to operate, Simone Delorenzi describes clearly and accurately the new issues facing the institution, quoting as examples the Gulf War and the conflicts in Somalia, the former Yugoslavia and Rwanda. These conflicts are significant in particular because of their scale and the volume of resources mobilized by the ICRC to meet the challenges before it.

With respect for international humanitarian law a “political issue” in the Gulf War from the outset, the ICRC came under heavy political and media pressure, and had to engage¹ in intense diplomatic activity. Before and after the conflict broke out, it appealed several times for respect for the law of Geneva and against the use of weapons of mass destruction. At first the ICRC refrained from giving public information on violations on either side. Just before the end of the war, it condemned Baghdad for refusing to give it access to Western prisoners. On the other hand, Iraq authorized the ICRC to take action in its two internal conflicts, and its subsequent attitude even showed that it was convinced of the ICRC’s independence and neutrality. Nevertheless, the author refers to the debate which may arise within the ICRC from the desire to denounce publicly a State violating the law of Geneva — on the strength of its role as a moral authority, which the ICRC adopted from its earliest days — and the wish to remain pragmatic so that it can continue to save war victims, which is the very purpose for which it was founded.

In Somalia the ICRC was not only a few steps ahead of Western governments (the United States and France) but also launched the largest operation since the Second World War. The fact that this was a situation of extreme insecurity, however, explains why it was obliged to call for respect for the law of Geneva and, for the first time in its history, to make use of armed escorts. It also had to scale down its activities and temporarily evacuate certain areas. But the fact remains that it stayed in Somalia, while other humanitarian organizations withdrew.

In the conflict in the former Yugoslavia, the ICRC was confronted with violations of such gravity — including one resulting in the death of a staff member — that it had to suspend all operations there. On the strength of its moral authority, it also issued repeated public statements denouncing the failure to respect humanitarian law and the emblem. Here Simone Delorenzi observes that, although the ICRC viewed its response as a break with the policy it had followed thus far, it still made a point of maintaining its independence and strict neutrality. And it was right to pursue this course, as this enabled it, unlike the UN agencies, to continue taking action on all sides. Finally, in Rwanda, the ICRC decided to maintain its presence

in the country in order to help alert public opinion to the extreme gravity of the situation, and it was able to afford protection to thousands of people. In December 1994, anxious that the international community should look beyond the short-term urgency of this tragic situation, the ICRC earnestly requested it to focus its attention on the future of the African Great Lakes region.

Following her analysis of the four conflicts, which display common features despite their difference in nature, Simone Delorenzi gives a broad outline of the ICRC's current policy. She shows that when the organization adopts a public stance, its aim is not only to condemn repeated violations of humanitarian law and of the emblem but also to help change the conduct of belligerents. Unfortunately, the latter ambition is problematic. Moreover, even with regard to conflicts covered extensively by the media, it becomes very difficult to shake public opinion out of its apathy. To maintain its role as a neutral intermediary, which is essential to its activity, the ICRC rightly seeks to reconcile its neutrality and discretion with its public appeals, the latter often being necessary to reaffirm its moral authority. In its desire to be increasingly persuasive, for a number of years now the ICRC has been couching its appeals in more specific and direct language. It also strives to convince States to shoulder their responsibilities as regards the all too many violations of international humanitarian law, especially as every Contracting Party to the Geneva Conventions has the obligation to ensure respect for their rules.

Alongside, the ICRC is making every effort to widen the scope of application of humanitarian law. It has thus used its moral authority to launch a major campaign against the proliferation of anti-personnel mines and blinding weapons. Even though it has focused on raising awareness of humanitarian law since the early 1980s, it is now broadening this objective by also delivering messages with a moral content. In this way it is working for the future, hoping that excesses of violence in conflicts will one day be a thing of the past. The ICRC has never held a monopoly in the humanitarian sphere, but today it has to contend with a large number of other organizations working in the same domain. Some are in favour of "intervention on humanitarian grounds", a concept allied to the "right to intervene" endorsed by certain States. However, the ICRC has considerable reservations towards this development. Indeed, it rightly believes that it needs to maintain a certain degree of cooperation with governments. It also comments that the "right to intervene" does not refer to the law of Geneva. Out in the field with these various players, the ICRC strives to preserve its neutrality and independence and upholds the principle of cooperation geared primarily to setting up complementary, non-cope-

titive operations. But it is essential that it keep its distance from organizations which may be perceived as not genuinely neutral. Moreover, alongside emergency operations, ICRC takes action with a view to the medium and long term in order to help the people concerned emerge from a war economy and readjust to a peace economy.

However, as the title of Simone Delorenzi's book suggests, humanitarian action today seems to be encountering a number of serious obstacles, chiefly arising from these new types of conflict in which the fundamental rules of humanitarian law appear to be forgotten. The situation is aggravated by the fact that the international community seems incapable of solving the underlying problems in all of these conflicts or of being able to offer an appropriate response for dealing with the all too frequent failure to respect international humanitarian law and the excessive insecurity which it produces on the ground.

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