

PRESS CONFERENCE GIVEN BY THE PRESIDENT OF THE ICRC

(Geneva, 30 May 1995)

At his annual press conference on 30 May 1995, ICRC President Cornelio Sommaruga began by referring to the recent 50th anniversary of the end of the Second World War in Europe and deploring the ICRC's moral failure regarding the Holocaust, when "it did not succeed in moving beyond the limited legal framework established by the States".

Commenting on the grave conflicts currently raging around the world, in particular those in Bosnia-Herzegovina, Rwanda and Chechnya, President Sommaruga stressed the responsibility of the States when grave breaches of international humanitarian law are committed.

The Review is pleased to publish the text of the president's introductory statement.

This year, commemorations held around the world serve to remind us of the unspeakable suffering that six years of war inflicted upon humanity half a century ago.

We have evoked painful memories so as not to forget, to remind ourselves again and again of something that the whole world vowed in 1945 — never again!

We have taken another look at our own share of the responsibility for the almost complete failure by a culture, indeed a civilization, to prevent the systematic genocide of an entire people and of certain minority groups.

Of course we must not forget what the ICRC managed to achieve during the Second World War, in particular for prisoners of war. It was a gigantic and magnificent task.

But believe me, every moment spent today on our humanitarian responsibilities to assist the victims of war and political violence reminds me of our institution's moral failure with regard to the Holocaust, since it did not succeed in moving beyond the limited legal framework established by the States. Today's ICRC can only regret the possible omissions and errors of the past!

Moreover, our involvement in the work of the International Tracing Service in Arolsen, Germany, which the ICRC has been managing for exactly 40 years now and where the archives pertaining to all the civilian victims of the Third Reich are being kept, is a daily reminder of the agony endured by millions of people who were tortured or exterminated.

In this connection I should like to remind you that in 1934 the ICRC submitted a draft convention before the International Conference of the Red Cross in Tokyo, setting out important protective measures for civilian populations in enemy hands and in occupied territories. While history unfortunately proved us to be tragically right, the initiative did not receive the support it required from the States.

It was only after the war, in 1949, that the States introduced these proposals as an extension of humanitarian law. Today, 185 of the world's 189 States have ratified the Geneva Conventions. And not only have States pledged to apply the Conventions themselves, but also to do everything within their power to ensure that all other States respect them too.

Thus all the States are jointly responsible for ensuring that even in the thick of war — including civil war — certain elementary humanitarian principles are respected, and that special protection is afforded to the wounded, prisoners of war, and civilians.

*
* * *

Fifty years ago, some circles justified their passive behaviour by claiming they were unaware of the extent of the atrocities committed by the Nazis. More recently, others have said they did not know about the events in Cambodia in the late 1970s.

These days nobody — whether they are private citizens or agencies in charge of humanitarian action, and especially if they are State representatives — can hide behind real or faked ignorance.

Nobody can claim to be ignorant about what has happened in Somalia, or what has occurred and is still occurring in Rwanda, or the events in Bosnia-Herzegovina — which are extremely serious — or what has happened and is still happening in Chechnya, to quote but a few examples.

Nowadays, the international community is fully aware of the large-scale and extremely serious violations of the Geneva Conventions.

While the absence of provisions of international law to protect civilians in time of conflict does not exonerate anyone — least of all the ICRC — from their moral responsibility for events that occurred over 50 years ago, there is even less reason today to contest the joint respon-

sibility of the community of States, and of each State party to the Conventions.

*
* *

Some people say that international humanitarian law is outmoded, that it does not apply to all situations of massive armed violence, and that the joint responsibility of States to respect the law can no longer be considered as binding.

Mention has also been made of “complex emergency situations”, and it has been said that some traditional military operations are nothing more than police action. Others have claimed that the tribal warfare and ethnic clashes in Africa and Afghanistan are not covered by any aspects of international law. Still others speak of “low intensity” conflicts.

Let me tell you this:

What we have today is organized, large-scale and systematic armed violence, even if some of the combatants are armed only with machetes and screwdrivers — as in the case of Rwanda, there is widespread armed violence, even if it appears anarchic and seems to have no other motive than depredation or, purely and simply, the elimination of the other side — as has happened in some West African countries and is still happening in Somalia.

What can we say about an incursion over an international border by thousands of troops armed with sophisticated military weaponry — like the kind used by Turkey in Iraqi Kurdistan?

Or what about large-scale traditional military operations conducted partly by units attached to the Ministry of the Interior — as is the case in Chechnya?

In all these situations, and many others like them, there are hundreds of thousands of unarmed civilians caught in the crossfire, there are tens of thousands of people wounded, and hundreds if not thousands of prisoners. Today, our thoughts obviously turn in particular to all the armed violence which is being directed and organized by political entities in Bosnia-Herzegovina.

There is a name for all these situations. They are called “war”.

International humanitarian law does apply to war, and States are therefore bound by their joint responsibility to ensure respect for the law. The use of euphemisms for armed conflicts does not free States from their obligations.

*
* *

First and foremost, these obligations are political.

I am referring in particular to the efforts made before the outbreak of an armed conflict — that is, attempts to prevent conflicts, political mediation by the United Nations, and all the bilateral and regional initiatives taken to this end.

At this level the joint responsibility of States plays a key role, and all necessary resources — including appropriate military means — must therefore be made available to the international community's institutions to enable them to bring about political solutions.

The State's joint responsibility before the outbreak of a conflict, and during the conflict itself, is equally engaged in a much wider context — the arms trade. Let us not forget that the anniversary of the Hiroshima bombing is fast approaching. The dangers of the proliferation of nuclear weapons — so much more powerful today than they were 50 years ago — not to mention chemical and bacteriological weapons, cannot be ignored.

This is why the international community, which has already reached a consensus on nuclear non-proliferation, must do everything within its power as a matter of urgency to reach agreements on limiting the transfer of conventional weapons, and on ensuring respect for the control measures already adopted on a number of occasions.

At this point I should like to express my hope that the conference scheduled for September in Vienna to review the 1980 Weapons Convention will have tangible results, that it will put an end to the scourge of anti-personnel landmines, and stamp out new evils — like portable laser weapons, which are blinding weapons — before they can even begin to take hold.

*
* *

In cases where it has not been possible to prevent the outbreak of conflicts, political intervention and the security measures taken by the international community must remain credible. For where there is such intervention, there can be no double standards. Nor can intervention be limited to a purely palliative humanitarian commitment.

When the international community has succeeded, through diplomatic or military means, in putting an end to or in limiting the extent of armed violence, when it establishes a military presence or deploys observers in conflict situations that are still rife, it must always firmly remind the belligerents to comply with their obligations under international humanitarian law.

Here I emphasize that the rights of civilians and prisoners are inalienable. They must on no account be bartered for some political concession, as is, alas, frequently the case in the conflict raging in Bosnia-Herzegovina. The law likewise prohibits using anyone — be it a civilian or a combatant — as a human shield.

*
* *

The joint responsibility of States in the political sphere obviously also includes humanitarian action, which, I repeat, must not serve as a substitute for political action. The States' involvement in humanitarian operations must translate primarily into unfailing support for organizations that are capable of assuming responsibility for these operations in the long term, and of doing so with complete impartiality, outside of any political controversy.

Here too, the States must not pass off their political responsibility onto the humanitarian agencies. I shall illustrate my point with only one example of the problems which we are currently facing in Rwanda.

The international community has committed itself to helping the Rwandan people rebuild their homeland after the genocide that it did not seek to prevent.

It has undertaken to see that a national and international judicial process be set up to enable the country to put an end to the infernal spiral of violence.

Today the ICRC is alone in providing food to more than 43,000 prisoners being held in appalling conditions, in supplying them with

water, in doing whatever it can to restore adequate standards of hygiene and in trying to ensure that no one goes missing. There are small children and elderly people being detained in Rwandan prisons. Widespread arbitrary practices further aggravate the plight of this totally destitute population. The current situation can only lead to further violence.

We have urgently requested that new, more salubrious places of detention be set up.

There are solutions to the problem. The international community has the possibility of taking immediate action. And yet it does not assume its responsibilities in these matters, which are of a purely political nature. It leaves us to cope with the situation.

It is we who are now taking part directly — and quite exceptionally — in the installation of new detention camps, in order to save lives.

*
* *

The ICRC shares a certain number of responsibilities with the States. It is the guardian and promoter of international humanitarian law.

It assumes its share of the responsibilities first of all by conducting its humanitarian activities wherever there are victims of conflict and political violence whom it can help to survive, and by seeking to ensure that they are shielded from the excesses of armed violence and its consequences. The ICRC is active today in 32 countries at war. It runs its operations with substantial support from the National Red Cross and Red Crescent Societies, some of which operate autonomously under its coordination. Here I should like to pay tribute to all the National Society staff and local employees working in delegations in the field, who are doing outstanding humanitarian work.

The ICRC moreover places its services as a specifically neutral organization at the disposal of the States in order to facilitate their political negotiations. This is the framework in which our delegates have worked and are still working in Mexico and Sri Lanka, and might yet be called upon to do so in Colombia.

*
* *

We also share the State's responsibility in taking preventive action, in particular by stepping up our efforts to spread knowledge of international humanitarian law.

We have just decided to set up a new unit which will advise the States on introducing into their domestic legislation all provisions required to repress serious violations of the Geneva Conventions.

*
* *

Finally, I should like to remind you that the 26th International Conference of the Red Cross and Red Crescent will take place this coming December in Geneva.

The Conference will bring together representatives of the States party to the Geneva Conventions and of all the National Red Cross and Red Crescent Societies, their Federation, and the ICRC.

We shall not propose, as was the case in Tokyo in 1934, the adoption of new provisions of international humanitarian law.

Existing law covers all situations of armed conflict, and all that is required is the political resolve to apply it.

But — as I am doing with you today — the ICRC and the entire International Red Cross and Red Crescent Movement will firmly impress upon the States that it is their joint responsibility to respect and ensure respect for international humanitarian law.
