

VISIT TO POLAND BY Mr. LEOPOLD BOISSIER
PRESIDENT OF THE ICRC

The University of Warsaw conferred an Honorary Doctorate of Law on Mr. Léopold Boissier, President of the International Committee of the Red Cross on April 27, 1964. Present at the ceremony were representatives of the Polish Government and the Red Cross, as well as of the professorial staff.¹

Speeches by the Rector, Mr. S. Turcki and by the Dean of the Faculty of Law, were followed by an address by Professor Manfred Lachs in honour of the recipient of which we have pleasure in giving the following main extracts :

. . . "President of the International Committee of the Red Cross for the past nine years, you have known how to put into effect those profound humanistic principles which have always been an integral part of your life. It cannot be entirely fortuitous that, under your direction, the International Committee of the Red Cross has reached a new stage in its activities towards universality, co-operation with all States, whatever their political or social system may be, on a much wider basis than ever before. This applies to the codification and the progressive development of international law, to its important contribution to peaceful co-operation between nations. The ICRC undertook new tasks and missions which were considerably beyond the scope of its traditional functions . . .

. . . *Inter arma caritas*—this motto, transformed into acts four years after the Battle of Solferino has, during the past hundred years, guided all the activities of the institution over which you so worthily preside. This device expressed a deep feeling of revolt against the atrocities of war and all its attendant inhumanity. The desire to help those who had been the most gravely stricken, the

¹ *Plate.*



At the University of Warsaw: Investiture ceremony of Honorary Doctorate conferred on Mr. Léopold Boissier, President of the ICRC. (*left*: Mr. Boissier, *centre*: Mr. Turski, Rector, *right*: Professor Lachs).

Acclaimed by nurses and members of the Junior Red Cross, Mr. Boissier (*centre*), Mr. Pictet (*immediately behind Mr. Boissier*), Mrs. Domanska (*right*) arriving at Gdansk.



wounded and sick. Hence the word "caritas". But this could only be one of the many ways leading to a much larger objective, the essential one in fact. A great Roman once said: "Inter arma silent leges" and also Homer in the Iliad: "Tum certare oddis, tum res rapuisse licebit". Yet another said farewell to peace and the rule of law: "Hic pacem temerataque jura relinquo" and Horace speaking to Achilles stressed the fact that: "Jura negat sibi nota nihil non arogat armis".

And yet, since time immemorial, mankind has struggled against the brutality of war in order to impede the barbarity which it brought with it. Starting from the "usus in bello", from that which was called "temperamenta" by Grotius, the path led to "jus in bello". For a long time this formed an integral part of international law, whose principles and standards have been extended through the centuries.

General ideas were to be followed by provisions and concrete interdictions marked by important dates: the Paris Declaration of 1856, the Declaration of St. Petersburg of 1868, the Conventions and Declarations of The Hague of 1899-1907, the London Declarations of 1909, the Geneva Protocol of 1925. An important place is given in this list to documents bound up with the Red Cross: the Geneva Conventions of 1864, 1906, 1929 and 1949. This, however, by no means exhausts the question of what is known as "jus in bello". The preamble to the IVth Hague Convention moreover affirms it very clearly: "The High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience." Its article 22 adds: "The right of belligerents to adopt means of injuring the enemy is not unlimited". . .

. . . When analysing the rôle of pacifism towards the end of the last century, you pointed out its weak points. How different is the world in which we live today! The balance of force has undergone a radical change in favour of the individual and of progress. There are now tangible material bases upon which lasting peace could be assured for mankind. However, the realization of this objective

still requires much persevering effort. Long before the end of the last and the most atrocious of all wars you wrote : " For to-morrow's peace to rest on solid foundations, it must be based on facts drawn from history and on man's knowledge ". Today this means that one should comprehend the spirit of our age, that one seek ways of understanding each other and avoiding anachronistic situations. That is the path we have followed from " jus in bello " and " jus ad bellum " to " jus ad pacem " which has become " suprema lex ". That is also the stage through which we have still to pass. It seems that it is indeed time for Europe, which in five centuries has known 187 wars and been the ground over which 2,400 major battles have been fought, should at last enjoy a lasting peace. History is on the side of man and it is for man to refute the unhappy phrase claiming that " peace in a word is rest for the sword " . . .

. . . Progress, the hopes placed in scientific achievements for the benefit of mankind, the cause of peace and the defence of our civilization confronted with the threat of its own destruction, these are all subjects which are studied by those who teach here.

That is why we appreciate the efforts which you have been making for so many years, as well as your activities and their results which have been so considerable. Allow me once again to quote your own words, although you were not thinking of yourself when you said them, but which you so aptly exemplify : " To create more, to give inspiration to new ideas, is this not a proof of youth and of confidence in the future? "

You are undeniably the living symbol of that youth and that confidence in the future. We wish you still further success along the road on which you have already achieved so much. Your successes will also be our own."

After having expressed his thanks for the honour which had been given him, Mr. Boissier then spoke of Red Cross tasks and the development of international humanitarian law. He stressed the importance of the 1st Convention signed in Geneva just a hundred years ago and acclaimed by Bluntschli as having been " one of the finest achievements of the human spirit ". Recalling the incessant efforts made by the International Committee of the Red Cross in drawing up the four Geneva Conventions of 1949, and those being made at present for their

dissemination, he emphasized the fresh ground broken by the Fourth Convention which the tragic position of civilians during the Second World War had shown to have been essential. He concluded as follows :

“ The indescribable suffering of those who were martyred has led to the establishment of a new law based on man’s common efforts. Their struggles, like those of the wounded at Solferino, have not been entirely in vain. Their blood has in fact fertilized the soil from which great undertakings have started, enabling a better world to be built, one in which life will be more worthwhile.

It could have been thought after the last world conflict that the International Committee of the Red Cross, which had deployed such intense activity in it, might enjoy some respite.

Such an illusion was early to vanish and it had soon to face entirely new problems. Revolutions broke out in many parts of the world and internal strife caused large numbers of victims. It was for the International Committee to come to the aid of these victims, but how was this to be done and to what extent?

Here again the Geneva Conventions were to be of service, thanks to article 3 common to them all and of which I have already spoken. By this article the signatory States are bound, in the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, to apply certain provisions tending to assure respect for the individual.

To this effect are prohibited, violence to life and outrages upon personal dignity, the taking of hostages, the passing of sentences and the carrying out of executions without previous judgment. The wounded and sick shall be collected and cared for.

This article 3 constitutes by itself, as has already been said, a miniature Convention within the frame of the four Conventions. Furthermore, its provisions have provided the International Committee with an instrument which it required in order to take action in cases of internal conflict. It was no longer a question, therefore, of its acting as a neutral intermediary between belligerent States, but of carrying out humanitarian work within national frontiers.

This work might appear to be unrealizable, since a government had to be persuaded to authorize delegates of the International Committee to have access to its territory and bring aid to persons

who had revolted against the legal order. The nation's supreme authority could appear to be implicated, as well as the ancient and still solidly established principle of State Sovereignty.

And yet, no government has so far refused the International Committee's intervention, to such a point that this intervention on the part of a foreign institution, which could at first have appeared to be of an exceptional nature, is in the process of becoming a practice of generally accepted international law . . .

. . . In this way, the ICRC has intervened in most of the revolutions or internal disorders which have convulsed so many countries over nearly twenty years.

These interventions have, however, not only had merely local results in the countries concerned. Their successful outcome, in most cases, has had general results, whereby the International Committee showed itself to be, not only a factor of concord and reconciliation within unsettled States, it has also appeared as a factor of peace.

The National Red Cross Societies have already manifested their desire on a number of occasions to associate themselves with the important movement driving nations to banish war from their future. Many Red Cross Congresses have already passed resolutions in favour of peace. Has not the moment now arrived when millions of men and women in the National Societies, and the Committee itself, should engage themselves in positive action against war and the causes rendering it possible? Should not the goodwill represented by the Red Cross be employed in such a work of salvation?

The International Committee cannot naturally remain indifferent to such an appeal. Has it, however, the right to compromise this neutrality and this independence, which are the very foundations of its action, in order to become engaged on ground which is no longer that of the Geneva Conventions, legal instruments destined to relieve suffering and not to interfere in the relationships between States and peoples?

An unexpected and sudden event, however, took place which obliged it to abandon its reserve. On September 3, 1962, the Soviet Government issued a communiqué, as the result of a visit from a Cuban delegation, in which it stated that the Soviet Union had decided to supply arms of a non-specified category to Cuba "in

view", so it said, "of capitalist threats against that country". President Kennedy, in a message to Congress, several days later, demanded permission to recall one hundred and fifty thousand reservists to the colours.

After this, matters deteriorated until, on the initiative of the United Nations, an exchange of correspondence took place between Mr. Khrouchtchev and Mr. Kennedy in order to find a peaceful solution to the conflict.

Nevertheless, the threat of war persisted and it was in an atmosphere of tension that U. Thant, Secretary-General of the United Nations, telephoned to the President of the International Committee of the Red Cross. With the agreement of the United States of America and of the Soviet Union, he requested the Committee for its help in establishing an atmosphere in the Caribbean which would enable the situation to return to normal. Delegates of the International Committee of the Red Cross would be charged with visiting vessels bound for Cuba.

It is certain that the International Committee saw itself being asked to undertake action falling entirely outside the scope of its traditional activities and which threatened to compromise those principles of neutrality and impartiality which it could not abandon and which I mention once more. However, after considerable reflexion it gave its acceptance. At a moment when the United States of America, Soviet Russia and also Cuba had agreed to designate it as being the only institution capable of giving every guarantee to the carrying out of a mission for the maintenance of peace to a successful conclusion, at a time when nuclear destruction was threatening the whole world, could the International Committee then stand aside by invoking principles which would in fact perish together with all mankind ?

The maintenance of peace indeed demands the greatest sacrifices.

Encouraged by this positive reply, the United Nations then took all the necessary steps to ensure the intervention of the International Committee of the Red Cross, when a solution was found rendering unnecessary the participation of a neutral institution. None the less, the Red Cross appeared in the midst of greatest peril as an instrument of peace, strong in all it represents for men and women of goodwill. The Congress of the Centenary of the International Red

Cross, which was held in Geneva last September, approved the International Committee's attitude during the Cuban crisis and expressed its warm congratulations to it.

This question has perhaps been but one incident in the history of the ICRC. It has had no direct consequences on its international status. It has, however created a precedent thus adding a stone to the still frail edifice of the international law of the future. This law has as its objective the rule of peace, so that people may no longer walk in dread of war. The ICRC's mission is to ensure the application of the rules of war by preventing the infliction of suffering by man on his fellow beings.

The "jus gentium", that is to say the law of nations, and humanitarian law, in other words the rights of man, have they not now joined to strengthen each other and fostered these great hopes, which I have had the privilege of proclaiming in the gilded hall of the University of Warsaw, in front of you Mr. Rector, Ladies and Gentlemen, you who represent the noble Polish race which so fully deserves to live and work in peace."

Mr. Boissier, who was accompanied by Mr. J. Pictet, a Director of the ICRC, was pleased to accept the invitation of the Polish Red Cross to attend the plenary session of that Society's Central Committee in Warsaw. He there described the ICRC's work, after M^{me} Irena Domanska, who presided, had welcomed him and spoken of the high esteem in which she personally held him.

She then said how grateful the Polish Red Cross has been to the ICRC and its President for the settlement of two major problems, indemnification for the victims of pseudo-medical experiments and the reuniting of dispersed families.

"The Polish Red Cross", continued M^{me} Domenska, "which is closely bound to the life of the nation from which it draws its strength to act and inspired by humanitarian principles, considers its efforts essential in the consolidation of peace and the development of friendship and fellowship between peoples.

Our Society highly appreciates, in the person of Mr. Léopold Boissier, a man who, throughout his life and at every successive

stage, has so successfully defended the cause of co-operation and reconciliation between nations, the great cause of peace.”

Finally, the President of the Polish Red Cross, after having alluded to the conferring of an Honorary Doctorship by the University of Warsaw on Mr. Boissier, presented, on behalf of the National Society, her congratulations and good wishes to him.

Afterwards, Mr. Boissier, together with Mr. Pictet, went to Gdansk, to visit the Regional Committee of the Polish Red Cross.¹ Furthermore, whilst in Warsaw, Mr. Pictet gave two talks to an audience consisting of numerous government representatives and Red Cross personalities, one on the status of personnel of the civil defence services and the other on the subject of the protection of civil medical personnel. These were followed by prolonged discussion which showed the keen interest taken in these problems.

During his stay in Warsaw, Mr. Boissier was received by Mr. Cyrankiewicz, Chairman of the Council of Ministers, Mr. Rapa-cki, Minister of Foreign Affairs and Mr. Winiewicz, Under-Secretary of State for Foreign Affairs.

¹ *Plate.*