

THE RED CROSS AND REFUGEES

The International Review has on a number of occasions published articles and news items on Red Cross action in favour of refugees, stateless and displaced persons.¹ In July 1965 it brought to our readers a large part of an important study on legal assistance to refugees and the activities of the International Centre for Co-ordination of Legal Assistance, in Geneva.

We therefore thank the Association for the Study of the World Refugee Problem, which has kindly given us permission to reproduce a paper by Mr. H. Coursier, a former adviser in the ICRC's legal department. This paper was presented to the Association's General Meeting last September, at which the ICRC was represented. (ED.)

The refugee problem has been of concern to the Red Cross from the very outset of the great population movements which, since the First World War, have been caused by the political and social upheavals which have shaken the world.

In 1921, the President of the International Committee of the Red Cross, Gustave Ador, had called the attention of the League of Nations to the advisability of appointing a Commissioner for refugees. "It is not so much a humanitarian mission which calls for the generosity of the League of Nations," he wrote, "as a duty in international justice; some eight hundred thousand Russian refugees throughout the whole of Europe are bereft of legal pro-

¹ Cf. May 1950, the article entitled *Le CICR et le problème des réfugiés* by M^{me} E. de Ribeaupierre and May 1961, *L'aide aux réfugiés — le rôle de la Croix-Rouge internationale* by Mr. H. Coursier.

tection and representation." He went on: "Every organization already working on their behalf would be glad to undertake fresh efforts under the direction of a Commissioner appointed by the League of Nations, the only supra-national political authority capable of solving a problem which goes beyond the scope of solely humanitarian organizations."

As a result of this appeal, Fridtjof Nansen was appointed High Commissioner for Refugees.

Nansen's name has become the symbol of relief work for the benefit of refugees both between the two world wars and since 1940 when this work became extensive following the outbreak of the Second World War.

The aim of this paper is to show that since that time Red Cross activity has increased, keeping pace with events. The rôle of the Red Cross has always been to keep international humanitarian obligations to the fore and to participate, in agreement with the United Nations, the successor of the League of Nations, in the activities of these two organizations for the benefit of refugees. It will even be seen that the Red Cross has been able, in difficult cases, to make good certain deficiencies in this assistance.

At the end of the Second World War, aid to refugees was incumbent on the United Nations Relief and Rehabilitation Administration (UNRRA) which was shortly afterwards replaced by the International Refugee Organization (IRO). From 1947 to 1952, this body assisted over one and a half million people; either by resettling them—as it did for the majority—or by repatriating them. The importance of this activity was unquestionable, but the IRO's statutes did not extend to many of the victims of the war and its consequences.

To a certain extent, an organization founded in Italy at the end of the war by an international lawyer, Mr. Aghababian, who was also a philanthropist, came to the help of these victims. This organization, under the name of "Assistance juridique aux étrangers" (AGIUS), with support from the Italian Red Cross, contributed to the assistance of persons who could not turn to the IRO. Subsequently, under the auspices of the ICRC, Mr. Aghababian set up in Geneva the International Centre for Co-ordination

of Legal Assistance which, whilst autonomous, is now closely associated with the International Council of Voluntary Agencies.¹

The negotiations leading to the 1949 Geneva Conventions gave the International Committee of the Red Cross an opportunity to insist on "the proclamation of a principle of international justice applicable to all refugees without any discrimination". In 1948, the International Conference of the Red Cross in Stockholm approved a proposal for inclusion into the Geneva Convention relative to the protection of civilian persons in time of war, a clause reading as follows: "The High Contracting Parties shall make every effort, as from the close of hostilities or of the occupation, to facilitate the return to their domicile, or the settlement in a new residence, of all persons who, through the events of war or occupation, are unable to lead a normal existence at the place where they find themselves". This embodied a principle of a genuine "law for the refugee". Unfortunately, in spite of efforts by a number of internationally reputed legal experts, such as Mr. Castren, who was a member of the Finnish delegation, the Conference restricted the benefit of this clause to "internees" during hostilities, which severely limited its scope.

However, some time later when the United Nations was considering putting an end to the IRO's mandate, the International Committee took the matter up again and in a message to all members of the United Nations Organization on May 1, 1950, stressed "the necessity for a permanent international organization—but one which was both impartial and independent—to ensure protection for all refugees and stateless persons without discrimination".

The appointment of a U.N. High Commissioner, who assumed his functions on January 1, 1951, was manifestly intended to continue Nansen's work under the influence of the humanitarian principles set forth by the ICRC. However, once again, the limitations laid down in the High Commissioner's statutes frustrated the full solution of the refugee problem.

When the International Convention on Refugees was drawn up in Geneva in 1951, the International Committee of the Red Cross

¹ See *International Review*, July 1965.

reiterated its opinion in the following statement by its President, Mr. Paul Ruegger, who was invited by the Chairman of the Conference to take part in the general discussion:

“ Considering the refugee problem from its own strictly humanitarian point of view, the ICRC is of the opinion that the following ideas must be borne in mind:

Every person forced by serious events to seek refuge outside his own country is entitled to asylum.

If that person cannot lead a normal life where he is, he is also entitled to assistance from the authorities of the country.

In so far as the expense arising therefrom exceeds the resources of the public authority concerned, the international community has a joint responsibility in the name of human fellowship.

This joint responsibility is discharged through the competent political bodies.

Humanitarian institutions were founded to give support to the action of the authorities to the extent their resources allow ”.

The second paragraph of this quotation includes a new idea covering the right of asylum. Needless to say this statement called for reservations of the same order as those contained in the second paragraph of article 14 of the Universal Declaration of Human Rights, in order that the benefit of these provisions could not extend to criminals recognized as such by the law of nations. In addition, the scope of the principles thus proclaimed opened an unlimited field for the application of assistance, in view of the extent of the refugee problem.

That is why the refugee statute went beyond the limits restricting the High Commissioner's terms of reference which only gave him authority to protect international refugees (to the exclusion of millions of national refugees) and to negotiate on their behalf with the governments of countries of asylum. It restricted the number of protected refugees by stipulating that it applied solely to persons recognized as refugees under earlier international conventions (holders of Nansen passports or “ admissible ” under the terms of the IRO statute) and any other persons who “ due to events prior to January 1, 1951 ” might with justification “ fear persecution due to their race, religion, nationality, political opinions or membership of a particular social group ” and who, as a result of this fear, could

not or would not "claim protection from countries of which they were nationals".

Although this international protection was available to over one million four hundred thousand people, experience soon showed the necessity of extending the High Commissioner's scope to enable him to take care of new refugees and to meet the needs of a humanitarian work to satisfy the demands of civilization.

Apart from the funds available for assistance programmes designed to resettle persons qualifying for protection by the High Commissioner, his terms of reference were made more extensive to enable him to lend his good offices to provide for other categories of refugees not covered by his statutes.

In 1963, during the Red Cross Centenary, the High Commissioner published a study entitled "The Red Cross and Refugees" recalling the main relief actions undertaken by the Red Cross for the benefit of refugees. This article paid tribute to the ICRC and the League for having assumed the feeding of nine hundred thousand Palestine refugees in 1948-1949 and two hundred thousand Hungarian refugees in 1956. In both cases the League and the ICRC acted on the basis of agreements negotiated with the United Nations Organization; they distributed not only relief supplies provided by the Red Cross world, but also those which the international community had considered it reasonable to provide in conformity with the human fellowship advocated by the Red Cross.

This article also gave an account of what was done, mainly by the League in co-operation with the ICRC, from May 1957 to July 1962 for the benefit of Algerian refugees in Morocco and Tunisia, with co-operation from the Tunisian and the Moroccan Red Crescent Societies. Over two hundred thousand persons received assistance at that time until, at the end of the war, they were able to be repatriated with assistance from the Red Cross.

In the meantime, the International Committee of the Red Cross was continuing its action in favour of the "Volksdeutsche" and for the regrouping of families dispersed by the war. Thanks to the agreements negotiated by the International Committee with the German (Federal Republic), Yugoslav, Rumanian, Polish and Czechoslovak Red Cross Societies, more than three hundred and

eighty thousand people were united with their families by the end of 1960.

In addition, the issuing of travel documents to refugees before and after the London Agreement of October 15, 1946 (pursuant to which sixteen powers had undertaken to issue documents to refugees who had no identity papers) enabled the ICRC to hasten the resettlement of more than one hundred thousand people. These travel documents issued by the ICRC, known as "titres 10.100 bis" filled a legal gap which had been detrimental to refugees for several years prior to the ratification of the London Agreement by a sufficient number of powers.

Similarly in the case of the Suez conflict in 1956-1957, the International Committee of the Red Cross was the only organization able to help some fifteen thousand persons who had been obliged to leave Egypt; it was the Geneva Committee which enabled these people to seek countries of asylum and ensured that the conditions under which they travelled were humane.

Since 1960, the action of the League of Red Cross Societies has been mainly concentrated in Central Africa where it continued the close co-operation which it began years before with the United Nations High Commissioner for Refugees. This was especially the case when some hundred and fifty thousand fugitives from Ruanda sought refuge in Uganda, Burundi and the Kivu province of the Congo.

The activity carried out by the International Committee of the Red Cross for the benefit of refugees was generally in countries where armed conflict took place: Laos, Congo and Cyprus. Mention should also be made of its intervention in connection with Koreans repatriated by the Japanese Red Cross from Japan and also its work for Tibetan refugees and displaced persons in India and Pakistan,

In Laos in 1962, and in co-operation with the Laotian Red Cross, the ICRC helped seven hundred and fifty homeless families and more than twelve thousand refugees, providing them with foodstuffs, medical supplies, clothing and other necessities. Help in this action was given by the Red Cross Societies of Australia, Austria, Belgium, Burma, Canada, France, India, Japan, Liechtenstein, Luxemburg, the Netherlands, New Zealand, Norway,

Pakistan, Philippines, Poland, Switzerland, Thailand, the United Kingdom, and the USA, as well as by the Oxford Committee for Famine Relief. In 1964, renewed outbreaks of fighting gave rise to further refugee movements involving twenty-three thousand people who were helped by the Laotian Government, with assistance from the ICRC, the United Nations and several National Red Cross Societies in response to an appeal by the League.

In 1962, in the Congo, at the request of the United Nations, the ICRC delegate participated in the work of the Commission set up for the repatriation and resettlement in Kasai of some twenty-five thousand Baluba refugees in the Elisabethville region. On that occasion, U Thant, the United Nations Secretary-General, wrote to the President of the ICRC: "The presence of an ICRC representative is extremely important for the accomplishment of the very delicate mandate in the Congo with which the United Nations Organization has been entrusted".

In 1964, when the United Nations was not able to act at Stanleyville, the headquarters of the rebel forces opposing the Congolese Central Government in Leopoldville, the ICRC carried out a humanitarian mission by conveying some eight hundred family messages, although it was not able to evacuate any Europeans as it had previously done from Albertville.

In Cyprus, from 1964 onwards, the ICRC mission applied itself to the task of arranging the release of hostages and to seeking missing persons. Thanks to its efforts in isolated villages it was successful in tracing and negotiating the release of several dozens of Turkish Cypriots. In response to an appeal by the ICRC delegate, the Head of the State, Mgr. Makarios, stated his disapproval of the taking of hostages and that he would take measures to prevent such activity. With regard to relief, the ICRC received from nineteen National Red Cross Societies as well as from the Government of the United States, donations which, in addition to its own resources, enabled it to assist displaced persons. Most of the beneficiaries were Greek or Turkish orphan children.

At the request of the Japanese Red Cross, the special ICRC mission in Tokyo and the port of Niigata has continued to carry out its task of ensuring that Koreans being repatriated to the north of their own country were not under any compulsion. In November

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1964, the hundred and eighteenth sailing brought the number of people repatriated to over eighty thousand.

In December 1962, the ICRC delegation in Kathmandu, entrusted with giving assistance to Tibetan refugees in Nepal, received the first consignment of foodstuffs provided by the Government of the United States of America and the Catholic Relief Mission in India. These supplies were forwarded to the Dhor Patan agricultural colony by the ICRC's Pilatus-Porter aircraft. Other donations from the Nepal International Tibetan Refugee Relief Committee and from the Swedish Red Cross enabled the ICRC to distribute milk to Tibetan schoolchildren. This ICRC action for the benefit of Tibetan refugees continued until April 1963.

In December 1963, following the Indo-Pakistani conflict, the ICRC delegate general for Asia visited camps sheltering some fifteen thousand Indian refugees in Assam. The donations received by the Indian Red Cross from various National Societies following the joint appeal from the League and the ICRC contributed to maintaining these refugees.

In 1965, ICRC delegates were asked by the authorities of South Vietnam to visit several reception centres set up for refugees from areas subject to bombing and where fighting was going on.

The Royal Government of Cambodia also asked the ICRC to come to the aid of South Vietnam refugees at Duc Co in Khmer territory; this the ICRC agreed to do.

In the central provinces of Vietnam, relief distributions have met with many difficulties because of the fighting. They nevertheless continued with the help of the local Red Cross at Da Nang and at Hué, where the available foodstuffs and medical supplies were divided equally between the civilian hospital and the refugees.

In January 1966, the ICRC delegate was wounded when a mine blew up during one of these relief supply distributions. He had to remain for several months in the Saigon military hospital.

These were the main refugee assistance activities carried out by the Red Cross; detailed accounts are given in ICRC and League publications.

These examples show that, in keeping with its principles, the Red Cross is ever heedful of the distress of refugees.

It contributes to alleviating their suffering, so far as it is able, but it especially co-operates actively with the United Nations Organization in order to implement the assistance programmes financed by the Community of Nations.

Red Cross activity is important in the field of active assistance and is no less so in matters of doctrine and development of law.

What we have said concerning the repeated intervention of the International Committee of the Red Cross with a view to indiscriminate humanitarian assistance to all classes of refugees, and the favourable response from the international community, shows that humanitarian law is being evolved, taking more and more into consideration the interests of the human being. Although refugees might be deprived of all natural protection, there is a substitute to give them support, thanks to customs which have now become well established.

We have endeavoured in this paper to stress the activity carried out by the International Red Cross for the benefit of refugees. National Red Cross Societies, as we have mentioned, participated on a large scale in this work of fellowship. This is illustrated by the fact that in "Refugee Year", 1959-1960, most national campaign committees were led by the Presidents of the National Red Cross.

It must not be forgotten that, in this immense work of assistance to refugees, the National Red Cross Societies have always been of enormous help in the relief actions organized by the governments concerned.

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