

## THE INTERNATIONAL COMMITTEE OF THE RED CROSS AT WORK<sup>1</sup>

by Jacques Freymond

In 1919 Bela Kun, the Hungarian revolutionary who, for a few months, was the head of the Soviet Republic of Hungary, declared to the delegate of the ICRC that he fully understood the position and the role of that institution. That private association of Swiss citizens, who, free from any governmental ties, were giving aid and comfort to the victims of war, wherever these might be found and without any distinction of nationality, religion or ideology, appeared to him to be truly representative of the Swiss people. In his view, the ICRC, because it was independent, because it was addressing itself direct to governments, reminding them of their moral duties towards prisoners, towards the soldiers of the other side, belonged to the revolutionary camp.

Bela Kun's judgment was a sensible one. Paradoxical as it may seem, the bourgeois of Geneva who constituted the Committee were no conformists. Although, no doubt, they belonged to the "establishment", they did not share all its prejudices, they did not accept all its rules. They did not oppose war directly, as the pacifists do, but showed by their behaviour and by their work that they did not accept it, and that, over and above their intervention to limit its dangers, its excesses and its evils, they were aiming at peace. Their recognition of the governments, whose co-operation was necessary, did not mean that they were playing the game of international politics and that they would yield under pressure and remain silent when faced with abuses and violence. Quite the con-

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trary. The fact that the ICRC refrained from publicity and still does, preferring to convey its report and its opinions to the governments in a discreet manner, did not mean that it could not be outspoken, even blunt. When the principles of the Red Cross are jeopardized, the ICRC has a moral duty to remind governments of their commitments and to speak clearly and firmly.

To obtain respect for the principles of the Red Cross, without being in a position to impose it, is the ICRC's first mission. A difficult mission which has required—and still requires—relentless efforts. The history of the institution shows how long it took to achieve not only the recognition of those principles by governments, but their application. It shows the long road that leads from one international conference to another, through the experience acquired in one war after another, to the framing of the successive Geneva Conventions, to the development of humanitarian law. This development has been and still is the main duty of the ICRC. And if you think of the terrific increase in the means of destruction, in atomic weapons; if you take into account the impact which the creation of new states has had upon the international system; if you study the various problems raised by guerrilla warfare and political unrest in our chaotic world—then you will not be surprised to hear that the ICRC still has pioneer work to do. Pioneer work as far as the development or, rather, the adaptation and refinement of humanitarian law is concerned.

How, for instance, are we to ensure respect for the civilian population and for the fighters in guerrilla fighting? We know that it is difficult, if not impossible, in such a war, to make a distinction between the “soldier” and the civilian. The use of the terrorist method spreads the war over the whole country, involving the entire population, and makes the application of the Geneva Conventions more complex every day. Is it possible to get a government, or the population, to regard a terrorist who has thrown a grenade into the middle of a peaceful crowd, and has been seized and detained, as a prisoner of war entitled to the protection of the Geneva Conventions? Is it possible to speak of “prisoners of war” when the governments involved do not even recognize that they are at war? In Vietnam there is international civil war: the forces of the National Liberation Front are not always in uniform; they are

nationals of the country; should one make a distinction between men captured in uniform and others? And what is the effect of the non-declaration of war by the U.S.A.?

To take another example, is it possible to help the victims, to protect the wounded, the prisoners, and the civilian population, if the belligerents are using atomic or bacteriological weapons, that is to say, weapons of mass and indiscriminate destruction? Does this not show that the passage from peace to war has become impossible to detect, that both in the state of bellicose peace in which we live and in the case of total war the application of the Geneva Conventions is seriously questioned? These obstacles, impressive as they are to all people who are not prepared to indulge in self-delusion, have to be overcome, and the ICRC has been busy trying to find some solutions.

In the case of guerrilla warfare and internal disturbances, ranging from violations by governments of human rights to guerrilla wars involving an entire country, a more extensive interpretation and application of Article 3 of the four Conventions has been sought. The ICRC has organized meetings of specialists who were asked to give their opinion on the subject and who, in general, encouraged the Committee to refer more and more to this Article 3 and extend its interpretation—a recommendation which it has adopted and put into practice more or less successfully.

On indiscriminate warfare, the ICRC, at the Delhi Conference of 1957, made an attempt to obtain recognition by the governments of a set of rules forbidding the use of weapons of mass destruction. This project met with rather strong opposition from the Great Powers—an opposition which was quite understandable in the political climate of that period and with the prospect at that time of atomic weapons being used.

The conviction that, should a war occur (a global war), nobody could prevent the belligerents from using nuclear weapons, led some people to think that the ICRC should shift its work to secure respect for humanitarian law from wartime to peacetime. Since no protection could be assured to anybody, civilian or soldier, in a global war, there was no other choice left than to work for the prevention of war. This is the meaning of many proposals which have been put forward by representatives of Red Cross societies, mainly from

Socialist countries, for a number of years. It is also the meaning of the Tenth Resolution adopted in 1965 by the International Conference of the Red Cross in Vienna, inviting the ICRC to act when it thought it could help to prevent the outbreak of a war.

You will readily understand that this encouragement, formulated in general and cautious terms, was not accepted with enthusiasm by the ICRC. Indeed, all its members were fully aware of the danger of the "politicization" of the Red Cross, which was implicit in every action orientated not towards the protection of victims of war, but towards the maintenance of peace.

Despite strong reservations, the ICRC would not be able to refuse in principle this development of its mission, if it becomes evident that its intervention is required because no other existing international institution is in a position to act effectively and if the necessary conditions for a reasonable chance of success are fulfilled.

Already in 1962, during the Cuba crisis, the ICRC had been approached by the UN General Secretariat. Supported by the Governments of the U.S. and the U.S.S.R., U Thant had thought that the supervision of an agreement on the elimination of nuclear missiles from Cuba should and could be entrusted to a neutral institution. As you may remember, the ICRC answered that it was ready in principle to render this type of service, but on certain conditions: agreement of all the parties involved, complete freedom of action, and assurance that the necessary logistic support would be given.

More recently, the ICRC was approached by the Organization of African Unity with the request that it organize and supervise the evacuation of the white mercenaries and the Katangese gendarmes who held Bukavu. Here again the ICRC felt that, since no other international organization was in a position to intervene, and since an emergency was being faced—a local crisis which might deteriorate into an international one—it could not reject the request. But the evacuation of nearly 2000 persons (if the wives and children were counted) implied long and careful preparation: the full support of the Kinshasa Government, the partial withdrawal of the Congolese troops who were encircling Bukavu, the protection of the whole group, and agreement with Rwanda and some African and European States to ensure the transit and reception of the

mercenaries and Katangese. This took a few weeks, during which the military situation was radically altered. The Congolese army decided to attack Bukavu and forced Colonel Schramm and his soldiers to retreat to Rwanda, where they laid down their arms.

One might have imagined that, in these circumstances, the ICRC ought to have given up the enterprise. However, in agreeing to sponsor and to organize the evacuation, it had committed more than its prestige, its moral authority was involved. Whatever one's opinion of the mercenaries and the Katangese rebels, they were, now that they were disarmed, under its protection. The International Committee is not, in fact, a tool which governments can use and discard at will. Now that it had been asked to intervene, its duty was to pursue its action according to its own judgment and principles. That is what it decided to do and it was right, for, after a few months, it was enabled with the help of the OAU Special Commission which was following this matter, to organize the mercenaries' repatriation and evacuation.

Beyond the discussion about the fate of the mercenaries, governments had been reminded that they cannot, when it is convenient, forget their own commitments; that, to quote Albert Sorel, "if history is not morality in action, neither is it action without morality". In the chaotic world in which we live, it is incumbent on an international institution like the ICRC, through action and not only by declarations or even energetic denunciations, to ensure respect for some of the elementary principles as expressed in the Conventions and which are the bases of humanitarian law.

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The presence of the ICRC is assured by its actions more than by its declaration of principles. And these actions are executed by its delegates. Although the policy of the institution is defined in Geneva by a "collège" which meets once a month, and a small council, which holds weekly meetings, the delegate plays a decisive role. He is the one who knows, because he is on the battlefield, what the situation is. He is the one who will have to discuss with governments, and with generals, all the problems related to the application of the Geneva Conventions. On his behaviour, on his ability, on

his personal authority, on his capacity to take risks, depends the success or the failure of the mission. His task is a very difficult one. When governments are involved in a war, or in a military or political crisis, they do not like to open their doors to foreigners, inasmuch as these doors give on to their back-yards. The more explosive the crisis, the less inclined are they to deal with what they regard as mere side effects of the war. Generals and colonels are, quite naturally, more interested in the protection of their soldiers than in the well-being of the prisoners. The ICRC delegate is always the advocate of the other side, and he has to remind governments that they cannot adapt their conduct to the behaviour of their enemy, that they have to apply the Conventions because they have signed them and hope that there will be some reciprocity, which is not always the case.

Thus the delegates of the Committee will be exposed to rebuffs. But some of them have been most successful.

To mention only recent actions, I should like to stress the success of the ICRC's work in the southern part of the Arabian peninsula.

Thanks to the ICRC, the Royalist Yemeni who were politically isolated, received medical supplies and treatment. Moreover, the Red Cross flag flew in the country, wherever a delegate did not hesitate to cross the battle lines. In Aden the ICRC delegate succeeded in convincing all the parties in conflict that he had no political bias. This established the authority of the Committee in such a secure way that it was called upon to fill the gap in the continuity of the medical service created by the departure of British doctors.

In Nigeria our delegates work on both sides. The blockade established by the Federal Government raised a difficult problem for the ICRC, especially as it was not equipped to deal rapidly with the expansion of the relief operation. But the Committee has not given up its efforts, and here too it can count on the devotion of its delegates in continuing its action on the Federal and on the secessionist side, as well, it should be stressed, as on the considerable support afforded it by the National Red Cross, many voluntary agencies and UNICEF.

In Vietnam, it has so far only had limited success. In fact, in spite of repeated representations it has not been able to obtain the

agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The Committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners.

In the Dominican crisis, Red Cross delegates negotiated a cease-fire, making possible the tending of the wounded and the collection of the dead. This cease-fire subsequently led to an armistice.

During the Kashmir crisis, India and Pakistan decided to apply the Geneva Conventions.

The International Committee, it can be seen, has a record consisting of both successes and setbacks. Will it have better chances in the future, at the risk even of displeasing some governments? I feel that in the period in which we live this risk should be taken. Moral duty goes before prestige.

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