

The regional delegations of the International Committee of the Red Cross

by Jean-Luc Blondel

The Red Cross was born on a battlefield; it came into being as a result of war. Not to promote or justify war, of course, but to minimize its effects and alleviate the suffering it causes. Subsequently, going beyond this original purpose, the International Red Cross and Red Crescent Movement was later to engage in important and useful activities in peacetime as well. However, it has never lost sight of its initial aim, and many National Red Cross and Red Crescent Societies continue to provide assistance to victims of armed conflict today. As for the International Committee of the Red Cross (ICRC), the founding body of a Movement that is now universal, it has greatly expanded its activities yet still gives precedence to its original mandate. In accordance with the Movement's Statutes, it "endeavour[s] at all times — as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife — to ensure the protection of and assistance to military and civilian victims of such events and of their direct results".¹

A worldwide network

While everyone expects to see the ICRC protect and assist war victims and promote and disseminate the Geneva Conventions and their Additional Protocols, the institution's peacetime activities may come as more of a surprise. However, they are but another aspect of the same humanitarian mission.

Original French.

¹ Statutes of the International Red Cross and Red Crescent Movement, Article 5, para. 2 (d).

It was in the early 1970s that the ICRC began to set up regional delegations in countries not engaged in armed conflict. These delegations were also to cover a number of neighbouring countries in the same situation. Today, of the 50 ICRC delegations in the world, 21 are regional delegations, situated in the various geographical zones in which delegates are working, i.e., Africa (Abidjan, Dakar, Harare, Lagos, Nairobi, Pretoria, Yaoundé), the Americas (Brasilia, Buenos Aires, Guatemala City, Washington), Asia (Bangkok, Hong Kong, Jakarta, Manila, New Delhi), Eastern Europe/Central Asia (Moscow, Kyiv, Tashkent), and the Middle East (Kuwait, Tunis).

From the very start regional delegations were intended to be “spear-heads” in areas prone to tension or instability, where they could make it easier for the ICRC to take action if the situation deteriorated. They may also provide the ICRC with logistic support for its activities in neighbouring countries, and in some cases carry out specific humanitarian operations for certain categories of people in accordance with the mandate conferred on the institution by the international community (visiting prisoners, assisting displaced people, etc.).

Today, the regional delegations’ role as an early-warning system is growing in importance: when tension suddenly rises in part of the region they cover they can quickly assess the humanitarian implications and take steps to provide protection and assistance in good time. In Latin America, for example, the presence of regional delegations in Guatemala City and Brasilia enabled the ICRC to act swiftly during the uprising in the Mexican state of Chiapas in January 1994² and the border dispute between Ecuador and Peru in January 1995.

Humanitarian mobilization

There is another function that has assumed more importance for ICRC regional delegations today than in the past: helping to ensure respect for international humanitarian law. By signing the Geneva Conventions, States undertook to “respect and ensure respect for [the Conventions] in all circumstances” (Article 1 common to the four Conventions). To put it in rather simplistic terms, the least signatory States can be expected to do is respect the Conventions should they become involved in an armed

² See B. Mégevand, “Between insurrection and government — ICRC action in Mexico (January-August 1994)”, *IRRC*, No. 304, January-February 1995, pp. 94-108.

conflict. While the duties of States that are not involved in the conflict are perhaps less obvious, those States nonetheless share responsibility for ensuring that international humanitarian law is applied by the belligerents.

In the appeal he launched on 10 January 1985 for a "humanitarian mobilization", Alexandre Hay, who was then President of the ICRC, made the following statement: "Any government which, while not itself involved in a conflict, is in a position to exert a deterrent influence on a government violating the laws of war, but refrains from doing so, shares the responsibility for the breaches. By failing to react while able to do so, it fosters the process which could lead to its becoming the victim of similar breaches and no longer an accessory by omission".³ The term "ensure respect" used in Article 1 common to the four Conventions is just as important as the term "respect", and each in its own way calls for the commitment of all the States party.⁴

It was precisely to increase this commitment that the ICRC suggested that the Swiss government convene the International Conference for the Protection of War Victims, held in Geneva in 1993. In its Final Declaration the Conference reaffirmed the duty of all States to respect and ensure respect for international humanitarian law.⁵ ICRC regional delegations played a major role in rallying support for that Conference, at which a large number of States were represented. The 26th International Conference of the Red Cross and Red Crescent, held in December 1995, adopted the conclusions and recommendations drafted by an intergovernmental group of experts as a follow-up to the 1993 Conference.⁶

By facilitating the ICRC's permanent dialogue with States, the regional delegations reflect the universality of the institution's mandate and of the treaties that afford protection for war victims.⁷ If the ICRC is to

³ ICRC appeal for a humanitarian mobilization, *IRRC*, No. 244, January-February 1985, pp. 30-34.

⁴ See U. Palwankar, "Measures available to States for fulfilling their obligation to ensure respect for international humanitarian law", *IRRC*, No. 298, January-February 1994, pp. 9-25.

⁵ Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993), *IRRC*, No. 296, September-October 1993, pp. 377-381; and *IRRC*, No. 310, January-February 1996, pp. 79-82. See also Recommendations of the Intergovernmental Group of Experts, *ibid.*, pp. 83-88.

⁶ 26th International Conference of the Red Cross and Red Crescent, Resolution I, *ibid.*, pp. 58-60.

⁷ As at 31 December 1995, 186 States were party to the Geneva Conventions of 1949; 143 States had also ratified Additional Protocol I, and 134 States Additional Protocol II.

perform the duties entrusted to it under international humanitarian law and the Movement's Statutes, it needs financial support, of course, but also the diplomatic support of the entire international community. It is the role of the ICRC's regional delegates to seek this support and to provide governments with all the information needed to secure and increase their commitment.

Such contacts are established not only on the bilateral level, although that is the main dimension of what might be called "humanitarian diplomacy". ICRC delegations may also maintain links with international organizations, whether regional or worldwide. The increasingly frequent exchanges of views between the ICRC and the United Nations is a case in point. Today the UN is present in areas with which it is unfamiliar, or in which for years it has taken only limited action. On account of its mandate, and by force of circumstances, the contingents which are put at the UN's disposal for peace-keeping operations — and which come from countries that are themselves at peace — are deployed in regions where there is considerable tension or even actual fighting. Whether they are engaged in a purely peace-keeping operation or whether they have to take even limited action to enforce peace, these troops have to know, and in some cases apply, the humanitarian rules contained in the Geneva Conventions and, where appropriate, their Additional Protocols.

If the troops have not been specifically trained in international humanitarian law during their period of military instruction in their own countries, this shortcoming has to be remedied before they take up their duties, or at least once they are on the spot. ICRC regional delegations often assist in this task when UN contingents provided by various countries are being prepared for their mission.

Implementation of international humanitarian law

It is obviously in situations of armed conflict that there is the greatest need for compliance with international humanitarian law. However, the Geneva Conventions and their Additional Protocols contain a whole series of provisions applicable in peacetime as well. For example, the States party are required to adopt a number of national measures to ensure that the law is effectively implemented.⁸ Here too ICRC regional delegates can offer

⁸ See the special section on implementation of international humanitarian law in *IRRC*, No. 281, March-April 1991; F. Kalshoven and Y. Sandoz, *Implementation of international humanitarian law*, Nijhoff, Dordrecht, 1989; and M. Bothe, ed., *National implementation of international humanitarian law*, Nijhoff, Dordrecht, 1990.

valuable assistance to governments in carrying out the legal and administrative work that must be done to meet their obligations under international law. Such assistance is additional to that provided by the ICRC's Advisory Service, whose establishment was confirmed at the 26th International Conference.⁹

While it is true that many rules of international humanitarian law are self-executing, that is, automatically applicable in every country in the absence of national legislation, in the case of other rules specific measures must be taken by governments (or parliaments, as the case may be) to ensure that they are known and applied. Such measures include, for example, legislation prohibiting misuse of the distinctive sign of the red cross or red crescent, penal sanctions in the event of breaches of international humanitarian law, and teaching and dissemination of the law.

Dissemination of international humanitarian law and prevention of violations

It is primarily the responsibility of governments to give instruction in the rules of the Geneva Conventions and their Additional Protocols and to ensure that they are respected. The ICRC and the National Red Cross and Red Crescent Societies play only a supporting — but far from minor — role in this regard.

It would be difficult to overstate the importance of dissemination in preventing breaches of the law. True, ignorance is far from being the only reason why such breaches occur. Since there is no general mechanism for repressing them, however, one of the best strategies for ensuring respect for the law is to disseminate it as often and as widely as possible. That is why the ICRC and the Movement as a whole attach such importance to dissemination and have specially trained delegates in the field at all times.¹⁰

Indeed, dissemination is one of the main activities of the ICRC's regional delegations, which seek to introduce or develop the teaching of international humanitarian law to various target groups, in particular the armed forces and police, diplomats and senior government officials,

⁹26th International Conference of the Red Cross and Red Crescent — International humanitarian law: from law to action. ICRC report on the follow-up to the International Conference for the Protection of War Victims, *IRRC*, No. 311, March-April 1996, pp. 194-222.

¹⁰See in particular the ICRC's "Guidelines for the '90s" concerning dissemination, in *IRRC*, No. 287, March-April 1992, pp. 175-178.

academic circles, and naturally the National Red Cross and Red Crescent Societies.

Cooperation with National Red Cross and Red Crescent Societies

In accordance with the Movement's Statutes and in daily practice, cooperation between the ICRC and the National Societies is close and takes many forms. In situations of armed conflict, the ICRC tries to involve the National Societies in its activities as widely as possible in all areas that do not require action by an independent and specifically neutral body. In peacetime, the ICRC plays a more limited role: it is mainly up to the National Societies to put the Movement's principles and ideals into practice, and it is mainly the responsibility of the International Federation of Red Cross and Red Crescent Societies to promote the Societies' development. However, the ICRC does not remain inactive in this respect. Through its regional delegations it performs, together with the National Societies, various tasks included in its mandate. In an internal document later made public, the ICRC set out its general principles for cooperation with the National Societies.¹¹ In peacetime the most important areas of cooperation are the following:

- dissemination of the basic principles of international humanitarian law;
- legal assistance in implementing humanitarian law and ensuring compliance with the Movement's Statutes (emblem, revision of National Society statutes);
- restoring family ties (tracing missing persons, forwarding Red Cross messages, etc.).

The ICRC can also provide assistance by preparing National Societies for activities to be carried out in the event of conflict. In such cases it can:

- train auxiliary medical personnel and first-aid workers;
- explain its principles and working criteria for the conduct of relief operations.

¹¹ "ICRC Contribution to the Development of National Societies", of 5 July 1990, published in *Development — The Role of the League, National Societies and the International Committee*, Report to the 26th International Conference of the Red Cross and Red Crescent Societies, Geneva 1991.

Wherever possible the ICRC, in cooperation with the International Federation, strives to increase the National Societies' operational capacity. This is part of the regional delegations' regular work, aimed at achieving greater unity and solidarity within the Movement.

Ensuring greater respect for humanitarian law and action

Some people believe that our times show all the signs of decline in historical terms and are concerned about what might be called a loss of values. It is not for the International Red Cross and Red Crescent Movement to propound a philosophy of history and it stands apart from such views. Nonetheless, it is the Movement's duty to ensure that such a decline does not occur. The Red Cross thus plays a general role in society that might be described as educational, endeavouring, along with others, to promote and uphold a humanitarian spirit of solidarity and peace. In this respect, spreading knowledge of the Movement's ideals and principles — a task performed by the ICRC's regional as well as its operational delegations — can play a significant part.

It is rightly deplored that humanitarian law is all too often disregarded or violated, and that the ICRC's task is made so difficult in the midst of often ferociously cruel conflicts. There are those who tend not only to despair of specific situations but also to doubt the effectiveness of humanitarian law. But to do so is to make the victim pay for the crime! The message of the International Red Cross and Red Crescent Movement is quite different: in no circumstances does the Movement lose its faith in individuals or in mankind as a whole. It is this message of solidarity, this determination to help and protect the victims of violence and to prevent future suffering, that ICRC regional delegations carry forth into the world.

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