

Foreword by the President of the International Committee of the Red Cross

It is rare in the field of humanitarian action for anniversaries to be celebrated. Yet some achievements in history cannot fail to be remembered and serve as inspiration. The adoption of the 1951 Convention relating to the Status of Refugees, which remains the fundamental instrument for refugee protection, is one such achievement. On the occasion of its 50th anniversary, I would like to reiterate the ICRC's strong support for the 1951 Convention and the principles set out therein. I would also like to take the opportunity to commend the vital role played by UNHCR in providing help for refugees in so many places around the world.

The Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross have long shared a close relationship based on a determination to uphold standards of protection and operational principles. The connection between the two institutions is firmly anchored in historical, legal and operational aspirations.

From early on in its own existence, the ICRC was confronted with the pain and sense of loss experienced by persons who had fled their homes, their land and their country. Within the framework of a conference on refugees held in 1921 under the auspices of the International Committee and the League of Red Cross Societies, ICRC President Gustave Ador proposed that a Commissioner for the Russian refugees be appointed. A few months later, on 23 August 1921, the League of Nations designated Dr Fridtjof Nansen as the "High Commissioner on behalf of the League in connection with the problems of Russian refugees in Europe".

The Second World War gave the most dramatic confirmation of the immense suffering endured by refugees. In a message addressed to governments in May 1950, the ICRC presented an overview of what it had done in aid of refugees despite the legal vacuum of that time: its activities ranged from establishing travel documents to issuing capture and tracing certificates. This report opens with a stark reminder: "Of all victims of the recent war, none, since the

Armistice, have endured greater hardships than the refugees, and none have been more hardly dealt with. Up to the present they had, like civilians in general, the protection of no international Convention..."¹ The ICRC was calling both for the development of legal norms and for the formation of a body able to act on behalf of persons in need.

This brings me to a second and far from minor link between the ICRC and UNHCR: international law. Refugee law was drawn up in the aftermath of the Second World War, while international humanitarian law made one of its significant steps forward in 1949 with the adoption of the four Geneva Conventions. Like international humanitarian law, refugee law contains universal and complementary rules designed to protect the dignity of the individual. Thus in the event of armed conflict, both refugees and persons displaced within their own countries are protected as civilians. In addition, several of the protective principles set out in the 1951 Convention, such as *non-refoulement*, are also contained in the 1949 Conventions.

Today, however, both the ICRC and UNHCR are increasingly drawing attention to the poor level of respect for and implementation of the law. For the two organizations mandated by the community of States to provide protection, this growing discrepancy is alarming. On the anniversary of the 1951 Refugee Convention I therefore wish to remind all concerned that poor implementation of existing law does not bode well for the scope and the effectiveness of current and future developments of international legal instruments. States have a primary responsibility to address this issue.

Reference to historical and legal linkages between the two organizations should not, however, obscure an important fact: the ICRC and UNHCR are first and foremost operational entities working to provide concrete assistance and protection for countless persons affected in and around conflict zones. Both UNHCR and the ICRC face a number of similar operational challenges in this regard.

¹ "The International Committee of the Red Cross and the refugee problem", *Revue internationale de la Croix-Rouge*, [English] Supplement, Vol. III, 1950, p. 114.

To begin with, they are both dealing with a complex and changing international environment, where wars are fought mainly for motives such as identity, ethnicity or access to resources. An environment in which arms are easily available and chains of command are often blurred.

As a result both organizations have to address serious dilemmas, such as how to operate in contexts where policies of “ethnic cleansing” are being brutally implemented or where genocide is taking its ruthless toll. What can and should humanitarian agencies do where civilians have become the very target of hostilities and where displacement is no longer a simple side-effect of fighting but a favoured instrument of war?

Closely connected is their shared concern for the safety of humanitarian personnel. Recent years have brought cruel reminders of the dangers involved in certain operational contexts: UNHCR lost four of its colleagues in West Timor and the Republic of Guinea in 2000, and the ICRC seven of its colleagues in the Democratic Republic of Congo and southern Sudan in 2001.

A further dominant feature of the contemporary humanitarian environment is the high number of agencies. This has led to an ever-growing requirement for coordination by the various organizations. To my mind, competition is positive in so far as responses to the needs of men, women and children affected by conflict are enhanced thereby. Otherwise competition is negative. Despite the progress already accomplished, there is room for improvement.

Effective coordination and cooperation are greatly facilitated by the willingness of humanitarian organizations to define their objectives in a given field on the basis of their core competencies, their actual activities and their experience as opposed to mere aspirations. While this will no doubt help to clarify divisions of labour, it must be recognized that in today's complex situations there will always be grey areas where ad hoc coordination is required, in particular at field level. A firm resolve to make the best possible use of existing complementarities in the interest of the victims should be at the heart of these efforts. This is the spirit in which both the High Commissioner Ruud

Lubbers and I approached the most recent annual high-level UNHCR/ICRC meeting last June.

Donor countries — and rightly so — expect humanitarian organizations to coordinate their activities as efficiently as possible in order to avoid both costly duplication thereof and situations in which persons in need are left without protection and assistance. They can contribute to successful coordination by taking into account, in their messages to humanitarian organizations, their respective specific mandates, activities and experience.

As a closing remark, I would like to point out that humanitarian action today is a complex undertaking in the broadest sense. It requires a combination of players to address the many needs that arise from conflict. Concrete cooperation is thus a fundamental prerequisite. Organizations with a strong and well-defined identity are well placed to work together in a predictable manner. UNHCR and the ICRC are two such organizations.

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