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INTERNATIONAL
REVIEW
OF THE RED CROSS



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The *International Committee of the Red Cross (ICRC)* and the *International Federation of Red Cross and Red Crescent Societies*, together with the *National Red Cross and Red Crescent Societies*, form the International Red Cross and Red Crescent Movement.

The *ICRC*, which gave rise to the Movement, is an independent humanitarian institution. As a neutral intermediary in the event of armed conflict or unrest it endeavours, on its own initiative or on the basis of the Geneva Conventions, to bring protection and assistance to the victims of international and non-international armed conflict and internal disturbances and tension.

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A note from the Editor

Just for once, the *Review* is devoting an issue almost entirely to the International Committee of the Red Cross and its activities in behalf of war victims.

Professor David Forsythe's article examines one of the most important aspects of the ICRC's mandate by analysing its recent assistance operations for civilian populations in distress. He considers the issues involved and draws attention to existing problems and to those which are bound to arise in the near future. His analysis does not spare the ICRC, and he raises several questions that will give the reader food for thought.

André Durand opens a page of ICRC history with a biographical essay on Gustave Moynier, one of the founders of the International Red Cross and Red Crescent Movement and President of the ICRC from 1864 to 1910. The author describes the somewhat paradoxical relationship between the organizations advocating pacifism and the Red Cross.

Turning now to official documents, the *Review* is publishing the new rules governing access to the ICRC's archives. Underlying this information is a significant change in the institution's policy in such matters: historians and other individuals interested in ICRC activities may henceforth consult files that have been closed for fifty years, as is the case in many national archives.

Despite the passing years, the memory of the Second World War remains alive, as may be seen from the current controversy about property deposited in Swiss banks at the time by victims of Nazi persecution. In the wake of the accusations levelled against Switzerland and its banking secrecy, the ICRC has also come in for criticism, and this issue of the *Review* contains the institution's preliminary clarification of the issue.

The Review

The International Committee of the Red Cross and humanitarian assistance A policy analysis

by David P. Forsythe¹

In today's armed conflicts and complex emergencies more civilians suffer than combatants.² After the Cold War one could identify a zone of turmoil in which civilian suffering was acute. But one could also identify a zone of stability from which operated a complicated system of humanitarian assistance designed to respond to civilian suffering. Media coverage emphasized the suffering, but never before in world history had such a kaleidoscope of humanitarian actors tried to provide emergency relief during armed conflicts and complex emergencies. Inevitably calls were heard for better organization and coordination, and in 1991-92 the United Nations created a Department of Humanitarian Affairs (DHA).

The International Red Cross and Red Crescent Movement has concerned itself with suffering in armed conflicts from its origins in the middle of the 19th century. While the early focus of what is now called

¹ The author would like to thank various ICRC officials who provided information for, or commented on, earlier drafts of this essay. These drafts were also read by William De Mars, Martha Finemore, and Thomas G. Weiss. The author would moreover like to thank the editor of the *International Review of the Red Cross (IRRC)* for his helpful comments. The responsibility for all statements rests with the author.

² According to Red Cross sources, civilians made up 15% of victims in World War I and 65% in World War II; in armed conflicts today they account for 90% ("World Campaign for the Protection of Victims of War", *IRRC*, No. 282, May-June 1991, p. 308). See also International Federation of Red Cross and Red Crescent Societies (eds), *World Disasters Report*, Geneva, 1994, p. 34. — "Complex emergencies" is an amorphous term used by the UN to bypass argument over the dividing line between armed conflicts and other situations. It implies, at a minimum, the breakdown of national order, human suffering, and lack of control by any one authority.

the International Committee of the Red Cross (ICRC) was on wounded combatants, attention was subsequently extended to civilians. Since the Nigerian armed conflict (1967-1970), the ICRC has been providing significant humanitarian assistance in the midst of hostilities, and not just in pacified occupied territory, although its action in the general area of assistance has a much longer history. By the early 1990s the ICRC was providing more assistance than at any other time since its inception in 1863. The Movement, with the ICRC serving as a humanitarian intermediary in armed conflicts, emphasizes seven principles among which are impartiality, independence, and neutrality. The ICRC, whose governing Assembly is made up of Swiss nationals, wishes to be neither the UN's humanitarian arm nor a humanitarian showcase for the Swiss State, with which it has a special relationship.³

What then is the current role of the ICRC and the Movement in international humanitarian assistance and what does the future hold for them? Will they continue to carve out a unique and useful role? Or will they be marginalized by such developments as improved UN coordination and/or greater effectiveness by other relief agencies?

Some would look to international law to find answers to such questions, and much attention has been paid to the subject of intervention on humanitarian grounds and the right to humanitarian assistance. This is an important subject. A different point, however, deserves emphasis. Whatever the law on the books might say about who can deliver assistance in what situation, and who is entitled to receive it, many warring parties in the post-Cold-War world have never heard of the Geneva Conventions, are not familiar with the ICRC and the Red Cross/Red Crescent symbol, or regard civilian death and suffering as weapons for attaining their personal and political objectives. As was said of Somalia in 1992, "Virtually no one with a weapon had heard of the Geneva Conventions...."⁴

The ICRC and other actors face illiterate child soldiers on drugs, brutal warlords interested primarily in personal power, and military commanders

³ From a vast literature on the Movement, see especially two recent publications: François Bugnion, *Le Comité international de la Croix-Rouge et la protection des victimes de la guerre*, ICRC, Geneva, 1994; and John Hutchinson, *Champions of charity: War and the rise of the Red Cross*, Westview Press, Boulder, 1996.

⁴ Jennifer Leaning, "When the system doesn't work: Somalia in 1992", in Kevin Cahill (ed), *A framework for survival: Health, human rights, and humanitarian assistance in conflicts and disasters*, Basic Books, for the Council on Foreign Relations, New York, 1993.

who order attacks on civilians and relief workers. ICRC personnel, along with other relief workers, have been killed, including three ICRC delegates in Burundi in 1996. Other ICRC delegates have witnessed such horrors in places like Liberia that they require psychiatric counselling.

Particularly large-scale relief requires the cooperation of those with the guns on the ground, whatever the law might say about a right to humanitarian assistance. The only alternative to negotiated cooperation is to overwhelm with military force. This is not a viable option in most situations owing to a lack of political will on the part of the international community. There is also opposition on moral grounds to "humanitarian war".⁵ Even in Somalia during 1992-1993, international military force was not initially directed against various political leaders but against bandits and thugs. Somali clan leaders had quietly agreed to the military deployment.

Given that international humanitarian law and international human rights law are frequently passive background factors, a policy evaluation of the ICRC as a relief agency requires attention to five tasks: 1) negotiating access to civilians in need; 2) assessing humanitarian needs; 3) mobilizing resources; 4) delivering assistance; 5) evaluating performance and planning for the future.⁶

I. Negotiating access

In Geneva during 1995 the ICRC had a staff of 645 monitoring the plight of civilians in wars and complex emergencies, among other tasks. That same year it had another 1,029 persons in the field, including 185 seconded from National Red Cross and Red Crescent Societies, organized into regional and sub-regional delegations. During 1995 it carried out over 20 sizeable assistance programmes costing about 360 million US dollars in a number of trouble spots around the world.⁷ It is fair to say that many National Red Cross or Red Crescent Societies in the poorer States are too weak to provide much operational support to the ICRC. But sometimes

⁵ See also Adam Roberts, "Humanitarian war: Military intervention and human rights", *International Affairs*, 69/3, July 1993, pp. 429-450.

⁶ This framework is adapted from Larry Minear and Thomas G. Weiss, *Mercy under fire: War and the global humanitarian community*, Westview Press, Boulder, 1995.

⁷ *1995 Annual Report*, ICRC, Geneva, 1996. ICRC figures separate assistance from other categories such as "operational support for delegations" and "management", making it difficult to get a total picture of the cost of assistance operations.

the local affiliate is in a good position to provide information about a given situation, or has useful contacts with a warring party. In more recent years the ICRC has made a greater effort to stay in touch with national affiliates, not always with the support of their association, the International Federation of Red Cross and Red Crescent Societies, which has a separate headquarters in Geneva. The ICRC has observer status at the UN and is also in direct touch with governments through other channels. The head of the ICRC's New York office meets monthly with the President of the UN Security Council. The ICRC participates in two consultative groupings of non-governmental organizations involved in relief, in New York and Geneva. In 1995 the ICRC opened an office in Washington. Non-governmental organizations working for human rights and the transnational communications media maintain contacts with its headquarters in Geneva. The ICRC thus seems reasonably informed about where it should seek access to civilians in need.

The ICRC's maximum objective is to reach explicit agreement to engage in both relief action and visits to prisoners on all sides. With regard to relief the ICRC normally asks for: freedom of movement to make assessments, the right to monitor relief so as to ensure impartiality, administrative control over the delivery system, and the right to make follow-up enquiries about the impact of relief.⁸ But given the evident lack of humanitarian commitment by various warring parties, plus the presence of other relief actors to which the parties can turn, achieving access on these terms is a diplomatic art form.

There is a rather widespread belief that in negotiations for access the ICRC is rigid and unbending, emphasizing the rules of humanitarian law and also Red Cross principles. The President of the International Council of *Médecins sans frontières* (MSF — Doctors Without Borders) believes that the ICRC never tries to deliver humanitarian assistance without consent because of its links to international law.⁹ MSF came into being partly because of a belief that adequate relief had not reached Biafra during the Nigerian civil war, in their view because the ICRC was too concerned about agreement from the federal side. One relief expert sees the ICRC's commitment to Red Cross principles as "inviolable".¹⁰ A

⁸ Marion Harroff-Tavel, "Action taken by the International Committee of the Red Cross in situations of internal violence", *IRRC*, No. 294, May-June 1993, p. 215.

⁹ Montieth Illingworth, "Remedies for an ailing world: An interview with Doris Schopper", *Hemispheres*, United Airlines, Chicago, June 1995, pp. 19-24.

¹⁰ Andrew S. Natsios, "NGOs and the UN system in complex humanitarian emergencies", in Thomas G. Weiss and Leon Gordenker (eds), *NGOs, the UN, and global governance*, Lynne Rienner Publishers, Boulder, 1996, p. 73.

superficial examination of some events would seem to support this view.

In some situations the ICRC will suspend its operations or withdraw from an area rather than violate existing standards. In the Nigerian civil war of 1967-1970, after the federal air force shot down a plane trying to deliver Red Cross relief to the Biafran enclave without permission from Lagos, the ICRC suspended its operations.¹¹ Article 23 of the Fourth Geneva Convention of 1949, intended for international armed conflict, stipulates that a belligerent State can satisfy itself that material assistance is neutral.

In old greater Ethiopia in 1988, the ICRC withdrew from an assistance role because it believed the relief plans of the central government were both harsh and unacceptably political. The Mengistu government was using international relief to lure civilians into relocation projects, so as to remove them from areas of rebellion. In the process some families were divided. Other relief agencies were willing to participate in this scheme. But after a long and complicated involvement, during which, among other things, it failed to obtain authorization to visit prisoners held by the central government, the ICRC finally withdrew. Much to the ICRC's private consternation, the International Federation then stepped in to fill the assistance role on government terms which it had just rejected.

During the early 1990s in the former Yugoslavia, where the ICRC managed a relief operation second in size and importance only to that of the Office of the UN High Commissioner for Refugees (UNHCR), some observers found the ICRC more principled than UNHCR.¹² In their view, the ICRC was more likely to suspend relief deliveries, even if it meant civilian hardship, because of considerations of impartiality and neutrality.

¹¹ A particularly well informed account is given by Thierry Hentsch in *Face au Blocus: La Croix-Rouge internationale dans le Nigéria en guerre (1967-1970)*, Graduate Institute of International Studies, Geneva, 1973. The ICRC had obtained "fly at your own risk" permission from Lagos. After that permission was revoked, the ICRC continued to participate in "night" flights, in which Red Cross planes mixed in with planes carrying armaments to Biafran forces. This airlift was thus not a purely neutral operation. But the ICRC was concerned about civilians in the Biafran enclave, and was competing with Joint Church Aid (JCA), a coalition of relief agencies not much interested in the niceties of State consent or neutrality. Had the ICRC withdrawn earlier, it would have left assistance in war to JCA and would have lost much support among public opinion in Europe and North America, which was pro-Biafran.

¹² Larry Minear and Thomas G. Weiss, *op.cit.* (note 6). See also Larry Minear *et al.*, *Humanitarian action in the former Yugoslavia: The U.N.'s Role 1991-1993*, Occasional Paper # 18, Brown University, Watson Institute, Providence, RI, 1994, pp. 43, 78.

By comparison, UNHCR seemed more tolerant of political diversions and objectives than the ICRC, although both agencies acted primarily on behalf of civilians. In Bosnia-Herzegovina the ICRC and UNHCR, alike in many ways, sometimes differed on what constituted adequate room for humanitarian agencies to operate in the midst of war.

Likewise in Sudan over many years, the ICRC would not agree to relief schemes for the south of that troubled country unless assurances could be given that there would be no diversions by military parties. While this meant that at times relief was not provided to any civilians, it was also true that certain satisfactory agreements were struck for limited times and effects.¹³

ICRC officials themselves help create the image of great attention to rules and principles, saying that the ICRC cannot ignore international humanitarian law, with its attention to State consent, since the ICRC helped develop that law.¹⁴ No doubt ICRC lawyers would argue that everything the ICRC does is based on the principles of the Red Cross and the spirit of international humanitarian law, including a right of initiative for the ICRC.

The ICRC, however, not only acted in a fairly "revolutionary" way for a time in the Nigerian civil war, delivering relief in a manner that contributed to some Biafran political objectives while offending various parties on the federal side, but it also knowingly contravened the wishes of the Ethiopian central government. From 1976, the ICRC participated in a "cross-border" relief operation from Sudan, delivering assistance to Tigray and Eritrea, then in rebellion. It was also seeking Tigrayan permission to visit Ethiopian fighters detained by the rebel movement. In this context the ICRC even removed the Red Cross emblem from its trucks, the better to avoid Ethiopian air attacks on relief convoys. In May 1987 the ICRC withdrew from the cross-border effort, saying that emergency civilian need in Tigray had abated. It was also a fact that its attempted visits to prisoners never took place. While international humanitarian law may not be very clear when applied to this type of situation, there is no

¹³ For a balanced analysis see Larry Minear, *Humanitarianism under siege: A critical review of operation lifeline Sudan*, Red Sea Press, Trenton, NJ, 1991; and Francis M. Deng and Larry Minear, *The Challenges of famine relief: Emergency operations in the Sudan*, Brookings, Washington, 1992.

¹⁴ Bugnion, *op.cit.* (note 3), p. 364, quoting Jacques Freymond: The ICRC "*ne peut ignorer cet ensemble de règles qu'il a contribué lui-même à établir et dont il demande le respect par les États.*"

doubt but that the ICRC “gatecrashed” in Tigray, from the Ethiopian point of view.¹⁵

In a number of cases the ICRC apparently informed a government that it was delivering relief in a situation of war or complex emergency, but it presumably did not ask permission. This type of action seems to have obtained in Afghanistan during the 1980s, with the ICRC operating from Pakistan. A rather remarkable version of this behaviour occurred in Cambodia after the Vietnamese invasion of 1979. Finding civilians in need in the hinterland, the ICRC and UNICEF engaged in a cross-border operation from Thailand. When the government in Phnom Penh objected, the ICRC and UNICEF continued, asserting a duty to help civilians in need, but no doubt aware that the Cambodian government lacked the means to back up its objections. Eventually the government accepted the realities of international relief.¹⁶

The ICRC had already engaged in cross-border assistance on a small scale to Iraqi Kurds, operating from Iran before the fall of the Shah. While in the same context the ICRC has recently shown some reticence, it is unlikely that notification was given to Saddam Hussein of help provided to his ethnic, domestic enemies.¹⁷ In places like Liberia, without effective central government, requesting consent was out of the question. The ICRC, like other relief agencies, did what it could, trying to secure the cooperation of local paramilitary forces.

In Somalia during the early 1990s, the ICRC continued relief distributions even when other agencies pulled out, despite the loss of some 5% (1993) to 20% (1992) of the supplies to political and other disruptions. The ICRC decided to hire its own local protection force made up of armed individuals, and paid them in rice, in order to get some relief to starving civilians who numbered in the hundreds of thousands. After the UN authorization of military force to guarantee the security of humanitarian assistance, the ICRC agreed to cooperate with that sizeable military presence, working, with the Somali Red Crescent, at the end of a logistics system that was dominated by the US armed forces. From one point of

¹⁵ See also William De Mars, “Contending neutralities: Humanitarian organizations and war in the Horn of Africa”, in Charles Chatfield, Ron Pagnucco, and Jackie Smith (eds), *Solidarity beyond the State: The dynamics of transnational social movements*, Syracuse University Press, Syracuse, 1996.

¹⁶ Bugnion, *op.cit.* (note 3), pp. 946-8.

¹⁷ Christophe Girod, *Tempête sur le désert: Le Comité international de la Croix-Rouge et la guerre du Golfe 1990-1991*, Bruylant, Brussels, 1994, p. 28.

view, this was a militarized relief system which was nevertheless intended to be impartial in that it was supposed to benefit civilians without regard to political orientation, gender, ethnicity, clan, or other identification. Later the ICRC argued that the military should stay out of assistance, leaving it to the impartial, non-governmental agencies. But in Somalia the ICRC cooperated with military forces, and with local armed groups, in order to save civilian lives.¹⁸

What do these examples tell us about the ICRC and negotiating access for humanitarian assistance? Independence, impartiality, neutrality, and other norms of interest to the ICRC go by the board in wars and complex emergencies. The proliferation of relief agencies makes it difficult for the ICRC to insist successfully on its values, or to focus attention on whatever right to humanitarian assistance might be read into humanitarian law. The ICRC is interested in both principled action and doing practical good for civilians in need (and prisoners, for that matter). It also has a tradition, at least for small-scale operations, of giving its delegates in the field considerable room for manoeuvre. All of these factors hamper perfect consistency.

Thus there is not one, dominant pattern of ICRC access to civilians in need. The agency clearly prefers a negotiated arrangement with all parties, consistent with legal and Red Cross norms. But when that optimum situation cannot be achieved, it has acted in different ways in different situations, with a strong element of pragmatism. The ICRC is not so legalistic as some have believed, but at the same time it is not just another private relief agency. Like its spokespersons, it works on both sides of the fence. It emphasizes public international law and Red Cross principles (which are approved by Red Cross conferences at which States are represented), but it has acted against the wishes of some public authorities on occasion for the welfare of civilians in dire straits. It has also acted in grey areas where doubt exists as to whether consent has been obtained or not.

II. Assessment of need

The same disjointed system that operates to identify civilians in need operates to assess that need. From 1992 the UN appointed an

¹⁸ In the former Yugoslavia at approximately the same time, the ICRC accepted military protection to guarantee the release and exchange of prisoners, but not for civilian relief. UNHCR accepted military protection from UNPROFOR for the delivery of assistance.

Under-Secretary-General for Humanitarian Affairs, who doubled as its Emergency Relief Coordinator, and who was connected to an embryonic UN early-warning system with some assessment capacity. Even State intelligence agencies, with their satellite resources, could be put at the service of assessment.

In most conflict situations there is no single, coordinated assessment of humanitarian need. If the conflict attracts enough attention there is likely to be a variety of assessments — from UNHCR concerning refugees and those in a refugee-like situation, from UNICEF concerning mothers and children, from WHO concerning health, perhaps from the UN resident representative in countries hosting projects run by the UN Development Programme (UNDP), etc. In Somalia in February of 1992, Africa Watch, then a sub-division of Human Rights Watch, which normally emphasizes civil and political rights, sent a survey team along with Physicians for Human Rights to assess need for assistance in that failed State.¹⁹ The ICRC was already reporting assessment from Somalia, as was a special representative of the UN Secretary-General, as was USAID, as were others. Likewise in the former Yugoslavia during the early 1990s, there were many assessments of civilian need, including from the local offices of the Yugoslav Red Cross.²⁰ “The ICRC does not accept reports or requests at face value by outside sources.”²¹ During the spring of 1991 the US and certain Western States intervened forcibly in northern Iraq, ostensibly to protect and assist Iraqi Kurds. Some National Red Cross Societies, such as the American Red Cross, followed their governments into that situation. The ICRC, already in Baghdad for about a decade, carried out its own surveys of civilian needs in northern Iraq. The ICRC did not act on the basis of reports from intervening governments and their Red Cross Societies.

But self-assessment is not an ironclad principle, for the ICRC will act on the basis of a report from “a partner of its choice”.²² In Iraq during the mid-1990s the ICRC used an assessment of civilian needs by WHO as part of its appeal for funds to carry out a relief operation.²³ WHO’s broad

¹⁹ Leaning, in Cahill, *op.cit.* (note 4), p. 108.

²⁰ Minear *et al.*, *Humanitarian action*, *op.cit.* (note 12), p. 31.

²¹ ICRC, *The role of the ICRC in relief operations*, March 1994, unpublished paper, read by permission.

²² *Ibid.*

²³ ICRC, *Emergency appeal*, 1995, p. 155.

survey fit with the ICRC's own data concerning more limited segments of the population. The ICRC then lobbied the UN to pay more attention to the plight of the overall Iraqi population, whose hardship was directly linked to economic sanctions imposed under UN authorization.

The ICRC has a number of persons who specialize in assessing civilian needs concerning health, nutrition, shelter, potable water, etc. In a large regional ICRC delegation, as found in Nairobi, Kenya, for example, several such specialists are already in the field. Others can be sent from Geneva on short notice. Obviously if the ICRC is excluded from a country, as in Cambodia under the Khmer Rouge or in Sudan for much of the 1990s, proper assessment cannot be made.

In general, the problem is not accurate assessment but mobilization of adequate response. Somalia is a good case in point. A number of agencies recognized the prospect of massive starvation by late 1991 and early 1992. The ICRC, Save the Children Federation (British division), and perhaps others projected the problem accurately enough. The UN appointed a special representative in May of 1992, but it was not until July that wheels began to turn for a greater international effort. And it was not until October that the UN devised a coordinated international plan for dealing with starvation in Somalia. Finally, in December of 1992, military force was authorized and dispatched to secure the delivery of humanitarian assistance.²⁴

III. Mobilization of resources

The ICRC is well positioned to mobilize resources for relief, being part of a widely respected international movement, having a legally recognized role in armed conflict, and being well known to the major donors such as USAID and the European Union's Humanitarian Office (ECHO). But the scale of disasters can exceed ICRC capability, the agency has not always mobilized certain types of relief, and it has not always proven adept at raising concern.

Over about a decade from the mid-1980s the ICRC quadrupled its spending for relief to more than US\$ 350 million. The agency also found the necessary personnel to administer its relief programmes, in part by drawing more on non-Swiss. Those who wanted the ICRC to concentrate

²⁴ See especially Leaning, in Cahill, *op.cit.* (note 4), pp. 114, 117.

on detention matters, and those who wanted the agency to limit itself to very small relief operations, have clearly been passed over by events. But it is not so clear just what the ceiling is on ICRC relief capacity.

The exodus of several million people from Rwanda during 1994, or the projected starvation of hundreds of thousands of Somalis during 1992 and 1993, was clearly beyond the capacity of the ICRC to handle alone. As far back as 1971 and events in eastern Pakistan, soon to be Bangladesh, the magnitude of the humanitarian needs necessitated UN action.²⁵ The view is widely held that some relief problems are so massive that only governments, particularly their militaries, can respond adequately.²⁶ But ICRC relief operations were not small in Somalia up through the end of 1991, and in both Bosnia-Herzegovina and Jordan during the early 1990s the ICRC coordinated sizeable relief undertakings.

It is possible that improved coordination of relief appeals via the United Nations and its Department of Humanitarian Affairs will pre-empt the ICRC's role as mobilizer of significant Red Cross relief. This is not likely to happen anytime soon, however. Major donors like USAID and ECHO are not insisting on such a coordinated system of mobilization, in part because they regard the ICRC as highly reliable and also well positioned in some conflicts. Some UN attempts at coordinated appeals have proven disappointing.²⁷

Surprisingly enough for an agency that traces its origins to medical assistance for the battlefield wounded in 1859, the ICRC did not try to play a major role in mobilizing medical relief until the 1970s. Such relief was left mostly to the National Red Cross and Red Crescent Societies. From 1977 the ICRC included a medical division, and not just a medical coordinator, in its Geneva structure. Partly because of competition from Doctors Without Borders and other medical groups, by the mid-1990s the ICRC had expanded its medical work to the point where about 20% of its emergency budget, and some 10% of its regular budget, were going to medical field activities. Some at the Geneva headquarters thought this activity was duplicating or undercutting efforts at the national level. In

²⁵ Thomas W. Oliver, *The United Nations in Bangladesh*, Princeton University Press, Princeton, 1978. In that situation, for a time, the UN relief coordinator was a Swiss national who was also a member of the ICRC. It was not always clear whether the person in question was wearing his UN hat or his ICRC hat when directing relief activities.

²⁶ Thomas G. Weiss (ed), *Humanitarian emergencies and military help in Africa*, Macmillan, for the international Peace Academy, London, 1990.

²⁷ Larry Minear and Thomas G. Weiss, *op.cit.* (note 6), p. 118.

any event the ICRC was slow to recognize the need for international medical relief, a need that was filled in part by other organizations that generally had a wider mandate and sometimes a different approach than the ICRC.²⁸ Some of the rougher edges of the competition were moderating by the mid-1990s.²⁹ In places like Rwanda during 1994, MSF personnel worked under ICRC aegis — and under ICRC rules of engagement.

As to whether the ICRC mobilizes the right type of relief, there is some debate. Most in the ICRC relief division do not regard the matter as a major and persistent problem. There are clear guidelines for donations in kind.³⁰ But donors do not always follow these guidelines, and stories abound about a Red Cross/Red Crescent Society, or a government, that insisted on providing something inappropriate or unnecessary. Few are the allegations that the ICRC itself called for inappropriate relief, although some believe the ICRC should have used sorghum rather than rice in Somalia in the early 1990s—so as to lessen attempted diversions of the much-valued rice.

Finally, a word should be said about mobilizing concern as well as material and personnel resources. In the 1970s the ICRC was criticized by an international review team for being deficient in openness and public relations.³¹ The review team believed that the ICRC had unnecessarily and dysfunctionally emphasized discretion beyond its prison visits, so that Geneva had not maximized its support in various circles. ICRC “distance” from National Societies was a case in point. Since that report, for whatever reason, the ICRC has greatly expanded its media and public relations activities. In Somalia during 1992 the ICRC organized a tour and briefing

²⁸ Doctors Without Borders did not orient itself to armed conflict and was not initially much interested in matters of State consent. Physicians for Human Rights was especially interested in forensic medicine, whereas the ICRC refused to cooperate in penal proceedings in order to facilitate its action inside countries. The ICRC, whatever its quiet diplomacy, also did not seek to mobilize opposition to abuse of medical ethics in relation to detainees. On the last point see Eric Stover, *The open secret: Torture and the medical profession in Chile*, American Association for the Advancement of Science, Washington, July 1987 and Gregg Bloche, *Uruguay's military physicians: Cogs in a system of State terror*, American Association for the Advancement of Science, Washington, March 1987.

²⁹ Rony Brauman, “The *Médecins sans Frontières* experience”, in Cahill, *op.cit.* (note 4), ch. 13.

³⁰ ICRC (Relief Division), *Handbook for donors: Technical guidelines for donations in kind to ICRC relief operations*, ICRC, Geneva, September 1989.

³¹ Donald D. Tansley, *Final report: An agenda for Red Cross*, Henry Dunant Institute, Geneva, 1975, pp. 22, 23, 49, 71, 73, 114-5. It should be noted that the present author was a consultant to this review team and drafted part of the report.

for some 730 journalists who were brought from Kenya to better understand the situation.³² Top ICRC officials have sought to use the weapon of public protest or public statement much more frequently than in the past,³³ and without jeopardizing the victims the agency seeks to help. The core issue is not public protest *per se*, but effective openness at times and in ways that better mobilize moral and material support for humanitarian assistance (and detention matters).

It was only in 1995, however, that the ICRC opened an office in Washington. Given the importance of the US, especially its Congress, in all aspects of international relations after the Cold War, and given that other agencies like UNHCR had long had a Washington office to advance their concerns, the ICRC move was tardy. In other ways too the ICRC was still advancing slowly in mobilizing concern about victims of war and complex emergencies.³⁴ Some at the Geneva headquarters would cooperate with scholars and journalists, but others would refuse to on the flimsiest of excuses. One scholar referred to the "polite stonewalling" of the ICRC in his requests for cooperation.³⁵ Not infrequently other relief officials found the ICRC difficult to work with, or "prickly" about its position in relief activity. In the diplomatic phraseology of two authors, the ICRC was not "an organization to take its special status lightly".³⁶

Overall, the ICRC record on mobilization of resources and concern for victims of war and conflict seems mixed. The ICRC has helped bring important relief to places like Somalia, Bosnia-Herzegovina, and Jordan, although to specify its exact role by comparison with USAID, etc, is

³² Claudio Caratsch, "Humanitarian design and political interference: Red Cross work in the post-Cold-War period", *International Relations*, No. 11/4, April 1993, p. 308. Mr Caratsch, an ICRC Vice-President, then added that this was more than the ICRC normally does for the press, and that journalists often find ICRC press releases not "sexy" enough, p. 312.

³³ See, *eg.*, *The Economist*, May 21, 1988, p. 80.

³⁴ Michèle Mercier, *Crimes sans châiment: L'action humanitaire en ex-Yougoslavie 1991-1993*, Bruylant, Brussels, 1994; and Christophe Girod, *op.cit.* (note 17). Both books were published first in French. The former was also published in English: *Crimes without punishment*, Pluto Press, London, 1995. But the latter was not published in English after a diplomatic protest. Yet there is little in Girod's French text to justify non-publication in English, in this author's opinion. One interviewee in Geneva told me: "A diplomatic protest is not to be taken lightly". It is rather doubtful that many other relief agencies, which emphasize independent concern for civilians, would curtail circulation of a historical account because of a State's unhappiness with its contents.

³⁵ Hutchinson, *op.cit.* (note 3), p. 3.

³⁶ Minear and Weiss, *op.cit.* (note 6), 164.

sometimes difficult. It was slow, however, to fulfill the need for international medical relief, slow to see the importance of a Washington office, and slow to recognize the need for broad support and cooperation. Because of its emphasis on discreet work inside countries, it has rarely been the key agency in attracting public attention to a major humanitarian problem, although some quiet diplomacy may not be documented.

IV. Delivery

The ICRC provided small-scale relief in the Middle East after World War II, but it was only at the time of the Nigerian civil war that it began to deliver food aid during ongoing armed conflict in a sustained and significant way.³⁷

Despite the creation by the UN of the DHA, it is still true that in most armed conflicts and complex emergencies it is “pluralism run riot”.³⁸ In the former Yugoslavia during the early 1990s there were some 125 NGOs active in relief, not counting intergovernmental, governmental, and intra-national or local groups.³⁹ Insofar as central generalizations can be drawn from this complexity, it can be said that technical or logistical cooperation among various relief actors is often good, but that coordination of strategy is a different matter.

The ICRC not infrequently arrives at a division of labour with other major relief agencies such as UNHCR, UNICEF, the World Food Programme (WFP), etc. This division of labour pertains to food, water, shelter, and medical services. In the former Yugoslavia, UNHCR ran the largest relief programme; the ICRC had the second largest with very little overlap or confusion between the two. Both were headquartered in Geneva, both aspired to similar objectives, and each respected the other. In Sudan for much of the 1980s, UNICEF was the lead UN agency; the ICRC and UNICEF reached agreement on who was to do what, where. In Rwanda during 1994, the ICRC worked inside the country with other groups such as MSF, while UNHCR and others focused on some two million civilians in need in Zaire and elsewhere. In Sri Lanka in the 1980s

³⁷ ICRC, *The role of the ICRC in relief operations*, *op.cit.* (note 21), pp. 1-2. See also Dominique-D. Junod, *The imperiled Red Cross and the Palestine Eretz-Yisrael conflict 1945-1952*, Kegan Paul International, London and New York, 1996.

³⁸ Quoted in Randolph C. Kent, *Anatomy of disaster relief: The international network in action*, Pinter Publishers, London, 1987, p. 173.

³⁹ Minear *et al.*, *Humanitarianism in the former Yugoslavia*, *op.cit.* (note 12), p. 40.

and 1990s, the ICRC “neutralized” government-supplied relief going into the Jaffna peninsula where a rebel/secessionist movement was entrenched much of the time. Other agencies such as UNHCR, Oxfam, Save the Children, MSF, and local groups all took on other tasks with little overlap. In Liberia, the ICRC reached agreement both with UNICEF (which took over an ICRC emergency programme for abandoned children), and the World Food Programme (which supplied food for an ICRC relief operation to help certain civilians cut off by the fighting). We have already referred to ICRC-UNICEF cooperation in Cambodia, and have made passing reference to ICRC-UN cooperation in what became Bangladesh. According to one informed view, “[t]he last twenty years have seen considerable improvement in the speed and efficiency of the humanitarian response to...crises, showing just how much progress has been made on the technical side”.⁴⁰

It is well and good to say that “[w]hen it comes to humanitarian emergencies there is no room for rivalries and turf fights”.⁴¹ But competition does occur, and we have already referred to the ICRC and Joint Church Aid in Nigeria, the ICRC and the International Federation in Ethiopia, and the ICRC and medical groups such as MSF. Private relief groups compete for “market share”, and want to establish independent credit if only for purposes of future fund-raising. The various UN agencies also seek to build independent reputations, in part because they depend on voluntary contributions from donors like the US. The leading policy-makers of relief agencies may seek independence in a quest for personal recognition. Some actors are more solicitous than others of international norms, whether legal or otherwise. Some rely more on public protest about wrongdoing. Some believe they should use their presence to contribute to criminal prosecutions; the ICRC disagrees. The complexity of situations, as in Ethiopia in the 1970s and 1980s, or Zaire in the 1990s, guarantees a variety of viewpoints among relief agencies about the wisdom of any one policy.⁴²

⁴⁰ *Médecins sans frontières* (eds), *Populations in danger*, MSF-UK, London, p. 13.

⁴¹ Jan Eliasson, quoted in: Erskine Childers, with Brian Urquhart, *Renewing the United Nations system*, The Dag Hammarskjöld Institute, for the Ford Foundation, Uppsala, 1994, p. 255.

⁴² After the Rwandan mass exodus in 1994, various relief agencies disagreed about whether to provide food to refugee camps in which militias operated. UNHCR continued with food deliveries, but MSF stopped its medical work, believing it was contributing to a resumption of fighting in the future.

Because the ICRC has a mandate that includes detention matters, and because the ICRC will sometimes take on special tasks, its decisions about assistance may be affected. It is highly likely that its decisions about relief in greater Ethiopia were affected to some degree by its endeavour to visit detained fighters. It is reasonably clear that the ICRC has sometimes used assistance as a “bait” or “carrot” to gain access to detainees. In Mexico in the 1990s, ICRC decisions to provide relief in the province of Chiapas seemed to be linked to broader concerns regarding prisoners and other matters requiring a neutral intermediary.⁴³

The ICRC makes independent decisions about when security situations require the suspension of its activities. It stayed in Somalia long after most UN personnel had been withdrawn. But elsewhere it has suspended relief for security reasons, as in Bosnia-Herzegovina and Liberia in the early 1990s. Between 1988 and early 1994, 18 persons working in ICRC delegations were held hostage for varying lengths of time, and another eight were killed in various ways.⁴⁴

The ICRC tries to provide basic or emergency relief only, with some transition to more development or emergency rehabilitation relief. On occasion it provides seed, farming tools, fishing equipment, etc., so that people can provide for themselves after the emergency phase has passed. The ICRC has also carried out cattle vaccination programmes because of its concern for both self-sufficiency and self-respect. The agency seeks to avoid prolonged dependency on its relief. But there is debate in Geneva about emphasis on emergency relief with little development assistance — a situation that can lead to recurring crises.

The agency complies with UN stipulations regarding embargoes, even when it believes the UN is in error. Thus when the Security Council imposed comprehensive sanctions on Iraq in the 1990s, the ICRC did not try to break sanctions even when it thought the policy too harsh on vulnerable groups of the Iraqi civilian population.

Overall, the ICRC has earned a reputation for delivering rapid and effective relief, particularly on a small to medium scale. It can act in a timely manner, being much smaller and more flexible than UN agencies, and having personnel already on the spot in many regions of the world.

⁴³ Béatrice Mégevand, “Between insurrection and government,” *IRRC*, No. 304, January-February 1995, pp. 94-108.

⁴⁴ *Red Cross/Red Crescent*, January-April 1994, p. 21.

It is particularly well known for logistical efficiency and for the discipline and commitment of its personnel.⁴⁵

V. Evaluation and planning

The ICRC, seeing itself as the guardian of international humanitarian law, tries systematically to translate its practical experience into principles of humanitarian action. Thus it now reviews its own policies, proposes resolutions for the International Conferences of the Red Cross and Red Crescent to adopt, and helps draft international legal standards for State consent.

Before the Nigerian civil war, however, the ICRC was not altogether given to careful evaluation and planning. During World War II top ICRC policy-makers met in Geneva spasmodically in a non-rigorous and not fully systematic process. They did not have the sources of information needed for sharp decisions about assistance and detention visits. Some key players were ultra cautious and legalistic. They were pressured by Swiss government authorities not to be too tough vis-a-vis Nazi Germany, in the interests of the neutrality and independence of the Swiss State.⁴⁶ The record was such that there was an effort to internationalize the all-Swiss ICRC.⁴⁷

Immediately after the Nigerian civil war, when former high ICRC officials hammered home the point about lack of carefully planned policies,⁴⁸ important changes occurred in Geneva.⁴⁹ The agency put more day-to-day policy in the hands of professional staff, improved the training of delegates, reconsidered the role of the volunteer Assembly, and in general became a more reflective and professional humanitarian institution. Unlike some agencies that spring up overnight for particular crises,

⁴⁵ Andrew S. Natsios, *op.cit.* (note 10), pp. 73-74.

⁴⁶ On ICRC decision-making in World War II see especially Jean-Claude Favez, *Une mission impossible? Le CICR, les déportations, et les camps de concentration nazis*, Payot, Lausanne, 1988. Favez had access to ICRC archives. Compare with François Bugnion, *op.cit.*, (note 3), who gives a more favourable interpretation but who is an ICRC official.

⁴⁷ Dominique-D. Junod, *op.cit.* (note 37).

⁴⁸ Jacques Freymond, *Guerres, Révolutions, Croix-Rouge*, Graduate Institute of International Studies, Geneva, 1976. Freymond was a Vice-President and Acting President of the ICRC.

⁴⁹ Some of the changes are captured by Isabelle Vichniac, *Croix-Rouge, les stratèges de la bonne conscience*, Alain Moreau, Paris, 1988, but there are errors in this account.

or that launch into action with an abundance of moral fervour but without careful reflection, the ICRC increasingly tried to bring its institutional memory to bear on current and future issues pertaining to humanitarian assistance.

The ICRC was part of an effort throughout the Red Cross/Red Crescent Movement to produce "national vulnerability assessments" by National Societies in anticipation of problems. It interacted with others to help produce codes of conduct for humanitarian agencies and drafts of a clarified right to humanitarian assistance.⁵⁰ In various ways the ICRC has proven a key player as the international community stumbles toward planning for an improved relief system for wars and similar events on the eve of the twenty-first century.

VI. Conclusions

The ICRC is not the one and only relief actor for international humanitarian assistance in armed conflicts and civil strife. The global challenge is too great; the ICRC is too small. There is increased demand for sound public management in the area of humanitarian assistance. The ICRC remains a private Swiss agency, although recognized under public international law. Just as the ICRC has failed to dominate the evolution of the Red Cross/Red Crescent Movement, with symbols and entities coming into existence that weakened the Movement's unity, so has the ICRC failed to dominate relief in armed conflicts and complex emergencies. Whether it could have been otherwise I leave to the historians.

Changes occurred after the Nigerian civil war that made the ICRC one of the more respected and effective providers of assistance in conflict situations. Mohamed Sahnoun, an Algerian diplomat who was the representative of the UN Secretary-General in Somalia, and who was not hesitant to criticize malfeasance, identified the ICRC as one of two agencies (UNICEF was the other) which had made a "sterling contribution" in the extremely difficult circumstances of that failed State during the 1990s.⁵¹ Larry Minear, who took part in a major study of humanitarian

⁵⁰ See, e.g., "Guiding principles on the right to humanitarian assistance", adopted by the Council of the International Institute of Humanitarian Law (San Remo), in *IRRC*, No. 297, November-December 1993, pp. 519-525.

⁵¹ Mohamed Sahnoun, *Somalia: The Missed Opportunities*, US Institute of Peace Press, Washington, 1994, p. 18. See also his comment laying blame on "an overwhelming United Nations bureaucracy that, in contrast to the Red Cross, is made up of civil servants more interested in careers and perquisites than in the job at hand", quoted in J. Perlez, "No easy fix for Somalia", *New York Times*, 7 September, 1992, p. A1.

assistance conducted via Brown University, concluded that “[t]he ICRC has the most consistent record of functioning well under duress” in conflict situations.⁵² The late Fred Cuny, a widely respected expert on disaster assistance, also praised the ICRC, although he thought the agency’s penchant for secrecy would keep it from playing a wide role in most conflict situations.⁵³ James Ingram, with long experience in international food efforts, commented that “[t]he bravery and competence of ICRC staff are beyond reproach and have aroused great admiration”.⁵⁴

One can conceive of certain scenarios that would reduce the ICRC’s role as coordinator of Red Cross relief in conflict situations. The DHA might be given real authority to coordinate the relief action of UN agencies, although this seems unlikely at the time of writing. Conversely, the DHA might be dissolved, and an improved UN disaster agency created, perhaps on the back of the UN Development Program. This also seems unlikely. A third possibility is that the major donors, USAID and the ECHO, might themselves insist that a more effective system be adopted by existing agencies, just on the strength of their donations and related logistics capability. Since the ICRC resists this type of vertical coordination by public/political bodies, it might be left mostly on the sidelines with only the roles of advance warning and small-scale temporary relief.

But to the extent that the current system of international humanitarian assistance continues, the ICRC is likely to remain one of the more important aid providers. It has performed the various tasks inherent in assistance reasonably well. It endorses horizontal or voluntary coordination among relief agencies, and the current system performs better than one might expect from an initial look at its complexity.

The ICRC has not been marginalized in the provision of humanitarian assistance by the proliferation of other agencies. It has found various important roles for itself, with donor support, that vary from case to case. The ICRC, like other relief actors, has been marginalized in some conflicts at certain times by the warring parties themselves. That the ICRC was kept

⁵² Larry Minear, “Making the humanitarian system work better”, in Kevin Cahill, (ed), *op.cit.* (note 4), p. 243.

⁵³ Fred Cuny, “Humanitarian assistance in the post-Cold War era”, in Thomas G. Weiss and Larry Minear, (ed), *Humanitarianism across borders*, Lynne Rienner, Boulder, 1993, p. 168.

⁵⁴ James Ingram, “The future architecture for international humanitarian assistance”, in Thomas G. Weiss and Larry Minear, *op.cit.* (note 53), p. 189 and *passim*.

from providing the assistance it wanted in places like Liberia or Sudan was not the fault of the agency, but of the inhumane values of the combatants.

Could the ICRC ever assume the role played by the British Broadcasting Corporation in 1984 when it triggered massive assistance for Ethiopia through its dramatic coverage of starvation? Probably not, given the ICRC's penchant for discreet action in-country. But times change, and one can dream.

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Gustave Moynier and the peace societies

by André Durand

As soon as the Red Cross was founded, the question of its relationship with war was raised. Indeed, it could be argued that placing the protection of war victims on an institutional basis and creating a reserved area off-limits to violence was tantamount to an official recognition of warfare or a tacit acceptance of the use of force. Some even wondered whether the attempt to regulate warfare without trying to eliminate it was not serving the purposes of the military and political leaders responsible for waging war, who would be able to invoke the notion of “clean warfare” to justify themselves in the eyes of public opinion and before history.

These reservations did not weaken the resolve of the founders, who probably felt that they themselves had already overcome the problem. As citizens of a country whose neutrality was institutional, they believed that only war waged for defensive purposes was legitimate and that a militia provided the best guarantee of protection.¹ Their objective was to improve the lot of wounded soldiers rather than to reform the policy of nations. At the opening session of the Geneva Congress of October 1863, Gustave Moynier, speaking after General Dufour, explained the position of the International Committee in the following terms:

“Listening to our detractors, we gather the impression that all we are doing is legitimizing warfare as a necessary evil. Is this criticism

Original: French.

¹ In the course of his long military career, General Dufour was four times appointed Commander-in-Chief of the Swiss federal army; at the time of the Neuchâtel affair (1857), Gustave Moynier, a soldier in the Geneva regiment, had completed five weeks of active service on the Rhine; Henry Dunant, who had taken up French nationality in 1859, was exempted from military service on account of his dual French-Swiss nationality; Drs Maunoir and Appia would certainly have been called up to serve in the medical corps in the event of a conflict.

really justified? I am sure it is not. Of course, as much as and even more than anyone, we want people to stop killing each other and we repudiate this vestige of barbarity which they have inherited. (...) We do believe, nevertheless, that for a long time to come we shall have to deal with human passions and their deadly consequences. Why, then, if there is no immediate, absolute means of guarding against them, should we not try to alleviate them? If only in the name of charity ...".²

All the same, the problem of war cannot easily be ignored. By the very nature of its objectives, the Red Cross is bound to be involved in situations of conflict. Its leaders, its members and its delegates are in direct contact and are constantly negotiating with those responsible for the conduct of warfare. If they attempt to regulate a form of action which they condemn and fail to voice their condemnation, are they not running the risk of accepting the consequences and setting the seal of their authority on armed confrontations which can only lead to carnage and destruction? It could therefore be argued that the Red Cross, and subsequently international humanitarian law, might perhaps have served the cause of humanity better by joining the ranks of those who, by attacking war directly, aimed to do away with both its causes and its effects.

Such was the goal of the peace societies which were set up in the Anglo-Saxon countries soon after the end of the Napoleonic wars: the American Peace Society in the United States and the Society for the Promotion of Permanent and Universal Peace, which later became the London Peace Society, in Britain.³ These societies were initially inspired by religious and moral considerations, under the influence of the Quakers' principles of non-violence. Differences of opinion soon emerged, however, between those who believed in all-out pacifism and those who did not reject defensive warfare.

In France, the early pacifist movements were initially based either on moral considerations, as in the case of the *Société de la Morale chrétienne*, founded in 1820, or on the theories of Utopian socialism put forward by Saint-Simon and Charles Fourier.

² *Compte rendu de la Conférence de Genève*, 26-29 October 1863, p. 8.

³ The Peace Society, which was founded in London on 14 June 1816, played an important part in the development of peace societies in continental Europe. The history of the Peace Society is associated with the name of Henry Richard (1811-1888), who edited the journal *Herald of Peace* and was the Society's secretary for almost 40 years. For the history of pacifism, see the recent work by Verdiana Grossi, *Le pacifisme européen: 1889-1914*, Bruylant, Brussels, 1994.

In Geneva, the first peace society was set up in 1830 by Count Jean-Jacques de Sellon. De Sellon took as his guiding principle the inviolability of the individual, which led him first of all to campaign for the abolition of slavery and of the death penalty, and later to devote his efforts to promoting peace and arbitration between nations.⁴

The first European Peace Congress, convened by the London Peace Society on the initiative of the American Peace Society, met in London in 1843. The participants, most of them Anglo-Saxons, mainly discussed matters relating to Christian humanitarianism. A few social issues, which were subsequently to take on much more importance, did appear, however, together with a proposal that conflicts be settled by mediation.

In the countries of Western Europe, the revolutionary movements of 1848 raised hopes for closer contacts among peoples through political emancipation and the advent of democracy. Even as they were discovering and asserting their own identities, peoples were acknowledging each other and trying to forget their historical differences in order to work together in the areas of peace, science, culture, sociology, law and the building of the society of the future. In this aspiration towards a just world, the congresses organized by the peace societies found fertile ground for development.

The first congress after the revolution of February 1848 was held in Brussels in September of the same year and was chaired by Auguste Visschers, a Belgian lawyer and philanthropist, who reappeared at the side of Gustave Moynier at the International Charity Congress in Brussels in 1856 and at the Geneva Diplomatic Conference in 1864.

One year after Brussels, the Peace Congress met in Paris from 22 to 24 August 1849. The enthusiasm kindled by the previous year's revolution was still alive. Victor Hugo, who was a deputy in the National Assembly and at that time at the peak of his literary career, was chosen to preside over the Congress. His opening speech contained the following passage, in which he looked forward to no less than the creation of the United States of Europe and the establishment of a European parliament:

⁴ On 14 December 1886, Gustave Moynier was appointed by the Civil Court of Geneva trustee of the papers left by de Sellon when he died, jointly with Louis Dufour, State archivist, and Théophile Dufour, a judge of the Court of Justice and the Court of Cassation, director of the State Archives (1877-1885) and director of the public university library (1885-1900).

“The day will come when France, Russia, Italy, England, Germany, all you nations of the continent, without losing your distinctive qualities and your glorious individuality, will coalesce into a greater entity, and will constitute a European fraternity, just as Normandy, Brittany, Burgundy, Lorraine, Alsace and all our other provinces coalesced into France. The day will come when there will be no battlefields other than markets open to trade and minds open to ideas. The day will come when cannon balls and bombs will be replaced by votes, by the universal suffrage of peoples, by the venerable arbitration of a supreme, sovereign senate, which will be to Europe what Parliament is to England, what the Diet is to Germany and what the Legislative Assembly is to France.”⁵

The tradition of holding congresses was maintained in the years that followed: in Frankfurt-on-Main in 1850, then again in London in 1851. The trend towards internationalism was growing and naturally influenced the pacifist movements, which until then had proceeded along national lines. This expansion led to differences of structure and doctrine. With the appearance of the first workers' organizations, culminating in the founding of the International Workers' Association in London in 1864, the religious, humanitarian and moral motivations underlying the pacifist movements in the first half of the century were replaced by a call for social justice; while peace was maintained as an objective, the class struggle was proposed as a means of attaining it.

In this period of gestation, pacifist propaganda was still inspired by idealistic considerations. Peace appeared as a golden age of mankind, but a golden age in the future, a far-off paradise where men and entire peoples, having overcome the rivalries which set them against each other and having resolved the quarrels which divided them, would live fraternally in eternal concord. The objective study of war as a phenomenon, which the sociologist Gaston Bouthoul termed polemology, had not yet been invented. War was regarded as a distortion of human nature, as a «morbid disorder», in the words of Gustave Moynier, which could be cured by a return to reason. The means of achieving this would be arbitration, disarmament and pacifist propaganda. While these means were no doubt substantial, they soon found their limitations whenever States and peoples felt threatened in their integrity or their honour. As for disarmament, the technical advances made by science tended to encourage the governments

⁵ Victor Hugo, opening speech, Peace Congress, Paris, 21 August 1849.

of the major States to increase the power of their weaponry rather than reduce it.

The dispute which arose between France and Prussia in early 1867 over rival claims in connection with the Grand Duchy of Luxembourg showed just how precarious peace remained between nations. It is true that the conflict was settled peacefully by arbitration, making Luxembourg a perpetually neutral State (11 May 1867). However, it appeared more than likely that powers involved in disputes would not be inclined to conciliation when their vital interests were at stake, and that there was therefore a need to develop humanitarian law and to intensify pacifist propaganda. It was in the same year that the first International Conference of Aid Societies for the Nursing of War Wounded met in Paris, with the possible revision of the Geneva Convention of 22 August 1864 on its agenda. Meanwhile, the threat of armed conflict prompted the economist Frédéric Passy to publish an article in the press.⁶ With the encouragement of pacifists in France and other countries where pacifism had begun to take hold, such as Great Britain, the United States, Italy, Germany, Denmark and Sweden, he announced the establishment in Paris, on 30 May 1867, of a new pacifist society, the *Ligue internationale et permanente de la Paix*. In 1901, in recognition of his dedication to pacifist movements, Passy was to be awarded the Nobel Peace Prize jointly with Henry Dunant.

The new society, considering that wars ran clearly counter to the trends of civilization, referred first of all to the balance of European powers, which had the duty of abstaining from any attack upon or threat against other nations. In order to uphold and propagate the great principles of mutual respect, which in Passy's opinion should thenceforth constitute the common charter of humankind, he appealed for the support of all men of good will in every country.⁷

But these objectives were not enough for some groups of French pacifists, who were opposed to the imperial regime and saw in the policies of autocratic governments a permanent source of conflict. They consid-

⁶ See *Le Temps*, 26 April 1867. Frédéric Passy (1822-1912), the author of many works on economics, an ardent supporter of pacifism and arbitration and of the idea of a European federation, and the founder in 1889, with William Randall Cremer, of the Inter-Parliamentary Union, had already protested against the war in Lombardy in 1859.

⁷ These texts appeared in various issues of the *Bibliothèque de la Paix* published by the *Ligue internationale et permanente de la Paix*.

ered that proclaiming lofty principles of mutual respect and appealing to men of good will were not sufficient to establish peace in the world, believing on the contrary that the first step was to overthrow such regimes and liberate the people. On the initiative of the philosopher Charles Lemonnier, a follower of Saint-Simon, they then decided to convene a pacifist congress in Geneva in September 1867, with objectives and means that differed substantially from those proposed by Frédéric Passy: "The aim of the Geneva Congress is to determine the political and economic conditions required for peace among peoples, and in particular for the establishment of the United States of Europe. It aspires to be the conference of European democracy, expressing through its most authorized spokesmen the elements of this great solution and sounding, in the name of the immortal principles of the French Revolution, the signal for consciences to awake: it is time for democracy to stand up and show itself."⁸

It was not by chance, wrote Charles Lemonnier, that Geneva was chosen to host the future congress. "Paris was out of the question and we did not even consider it; we first thought of Brussels, and then Mannheim; but there were several reasons for preferring Geneva, such as the sure support of a few friends who were known for their tireless devotion, quiet energy and bold caution; the liberal attitudes of many Geneva citizens; the longstanding reputation of a city which was and still is the refuge of so many exiles; and the tolerance and freedom which seemed fully guaranteed under a democratic government, in a neutral, republican country."⁹

The Paris committee then called on the Moral and Political Science section of the *Institut national genevois*,¹⁰ which at the time was headed by James Fazy, to see to the organization of the Congress. Accepting the proposal, the section appointed a central committee, first chaired by James Fazy, and subsequently, after a few procedural incidents, by the Frenchman Jules Barni, a professor at the *Académie de Genève*, with Dr Fauconnet as vice-chairman and the sculptor Charles Menn as secre-

⁸ *Annales du Congrès de Genève*, preface by Jules Barni, Vérésoff and Garrigues, Geneva, 1868, pp. 6-7.

⁹ Charles Lemonnier, *La vérité sur le Congrès de Genève*, Vérésoff and Garrigues, Bern and Geneva, 1867, pp. 5-6.

¹⁰ *The Institut national genevois* had been founded in 1852 on the initiative of James Fazy, who was then President of the Geneva State Council, and who became the Institute's first President. At the time it comprised three sections: industry, commerce and agriculture; moral and political science; fine arts, music and literature.

tary.¹¹ The Congress opened on 9 September in the specially prepared Electoral Building.

The organizing committee had invited Garibaldi to attend the congress. The arrival of the hero of Italian unity was headline news. For the last leg of his journey, from Villeneuve to Geneva, two special carriages were provided, and in all the stations where the train stopped he was welcomed by bands and choirs and speeches by local notables. On arrival at Cornavin station, where several thousand people were waiting for him, he appeared dressed in the uniform of a general of the Garibaldian volunteers, and was greeted by gun salvos and cheers. On the balcony of James Fazy's home, situated on the corner of the rue du Mont-Blanc and the quai du Mont-Blanc, he stood, flanked by James Fazy and Albert Wessel, and harangued the crowd thronging the quayside to welcome him.¹²

In the minds of the congress organizers, the political liberation of European peoples and their union within a democratic federation was a necessary precondition for peace. Some disagreed, however. When he was consulted during the preparatory phase, the pacifist Henry Richard declared, in the name of the Peace Society, that since the London society's basic principle was to abstain from any political interference or even any political associations, it would merely observe the efforts made by the Geneva Congress, without taking any part other than offering encouragement and good wishes. In the name of the *Ligue internationale et permanente de la Paix*, Frédéric Passy had made a similar declaration. Thus a split appeared in the aspirations of the pacifist societies, with on the one side those guided by religious, moral, social and economic principles, and on the other those giving priority to revolutionary action in their strategy. This difference of approach was evident even within the Geneva Congress, when the supporters of international revolutionary

¹¹ The Central Committee also included the Genevans Amédée Roger and Albert Wessel, notary, who were respectively members of the Democratic Party and the Independent Party. The German delegation included Armand Goegg, who had left Germany after the revolutionary upheavals of 1848. His son Egmond (or Edmond) Goegg, who was living in Geneva, was later to be a member of the *Société genevoise d'utilité publique*, and was its President on several occasions, in particular in 1906, when on behalf of the Society he received the delegates of the Diplomatic Conference for the revision of the Geneva Convention of 22 August 1864 at the Palais de l'Athénée.

¹² See Charles Lemonnier, *op. cit.* (note 9), pp. 12-14; Willy Aeschlimann, "Garibaldi à Genève", in *Almanach du Vieux Genève*, 1963, pp. 23-25, and "Garibaldi au Congrès de la Paix et la presse valaisanne", *ibid.*, 1964, pp. 25-28; and various articles in the Geneva press of the time.

action and the more moderate advocates of democratic action within national boundaries clashed in verbal encounters, which the fiery speeches of Garibaldi and Bakunin did nothing to appease, with Garibaldi proposing the destitution of the papacy and Bakunin the dissolution of the State.¹³

So the Congress was by no means free of confusion and internal quarrels. This may have been due to the way it was organized. An effort had been made to recruit participants from very varied backgrounds, including trade union, religious, revolutionary and traditionalist circles, and most of them, taking maximum advantage of the freedom of expression they were given, took the floor repeatedly, exceeded their speaking time and interrupted other speakers. But that was probably inevitable. By establishing a link between politics and peace, the congress undoubtedly opened the door to factional claims, while recognizing that in the end responsibility for peace lay with political institutions.

It became apparent that the organizers of the Geneva Congress did not rule out insurrection as a means of achieving peace. "Peace», wrote Professor Jules Barni, «was always our ultimate aim, but we did not want to separate that goal from freedom, without which it can only be an illusion. In that sense, the Geneva Congress marked a new departure: it was the first Congress of Peace through Freedom."¹⁴

Although the climate of the time was propitious to the emergence of pacifist ideas, there were also signs that the risk of war was being heightened by the policies of the major powers. After the Austro-Prussian War of 1866, the unification of Germany seemed imminent, most probably under the crown of Prussia. Diplomatic circles had little doubt that conflict would arise between the emerging German Empire, keen to assert its industrial and military strength, and the French Empire, bent on maintaining its dominant position in Europe. While the universal exhibition held in Paris in the summer of 1867 was a showcase for French industry and art, in its industrial pavilion visitors could admire the latest model of the Krupp cannon, which was a blatant reminder of German military might. Neither the Red Cross pavilion, set up for the International Conference of Aid Societies for the Nursing of War Wounded, nor the office of the

¹³ On the proceedings of the Congress, see *Annales du Congrès de Genève*; Charles Lemonnier, *op. cit.* (note 9); and François Ruchon, *Histoire politique de Genève* (1813-1907), Vol. II, Jullien, Geneva, 1953, pp. 231-232.

¹⁴ Preface by Jules Barni to the *Annales du Congrès de Genève*, p. VIII.

Ligue internationale et permanente de la Paix, which had been opened by Frédéric Passy in the Alsace pavilion, were enough to reassure them. And the future Nobel Peace Prize winner was no doubt somewhat alarmed to hear that a Swedish chemist by the name of Alfred Nobel had registered a patent for the manufacture of dynamite on 19 September 1867.

Gustave Moynier, when he attended the International Conference of Aid Societies for the Nursing of War Wounded in Paris, would have learned of the founding of the *Ligue internationale et permanente de la Paix*, and on his return to Geneva heard about the passionate discussions taking place at the Congress of the *Ligue internationale de la Paix et de la Liberté*. His preference went to the former. In the preamble to the programme of Frédéric Passy's League, the undertaking not to threaten other nations and the references to the great principles of mutual respect fitted in perfectly with his own beliefs and with the rules which the Red Cross wanted to have accepted in international relations. He also found encouragement in the fact that the signatories to the declaration by the League's organizing committee included his friends pastor Martin-Paschoud and Auguste Visschers. In May 1868 he joined the *Ligue internationale et permanente de la Paix* as a founder member,¹⁵ and in December 1869 became a member of the League's Geneva committee.¹⁶

These dissensions, differences of opinion and quarrels no doubt expressed the contradictions that beset pacifists who have difficulty accepting the idea of absolute non-violence or unconditional peace. Defensive warfare is of course one of the first and perhaps the most reasonable of exceptions to the principle of non-violence. At a time when war was chiefly the responsibility of monarchs, the Abbé de Fénélon, who was tutor to the Duke of Burgundy, did not fail to remind his royal pupil that: "It is only permitted, therefore, to engage in war despite oneself, as a last resort, to repel the enemy's violence".¹⁷ The notion of just war also appears in the history of warfare as a significant

¹⁵ The founder members were those who had joined in the first year and had paid a contribution of at least 100 francs.

¹⁶ Frédéric Passy gave two talks in Geneva on war and peace, the first on 1 December 1869 in the hall of the Amis de l'Instruction, in the Temple unique (now the Sacré-Coeur church) and the second on 3 December in the hall of the Reformation. Many of his listeners joined the League for Peace as members or supporters after his lectures, which were extremely well received.

¹⁷ Fénélon (1651-1715), *Dialogues des Morts*, Dialogue XVI: "Socrate et Alcibiade".

exception to pacifist doctrines.¹⁸ Yet who is to decide whether a war is just, apart from the victor? What soldiers, as they march to the front, are not convinced that they are defending justice, civilization and liberty? “War is just for whomever it is necessary», wrote Livy, «and weapons are sanctified when they are the only hope left.”¹⁹

Then again, what about wars of independence and the right to insurrection? Garibaldi himself, before his premature departure from the Geneva Congress to join his legions and march on Rome, declared: “Only the slave has the right to make war on tyrants.”²⁰

One famous example demonstrates how fragile the hope is of reconciling pacifist ideals and political imperatives. We have already noted Victor Hugo’s sentiments at the 1849 Peace Congress in Paris, just after the revolution. Twenty years later, at the Lausanne Congress in 1869, the situation had changed. Having become the spokesman of the opposition to the Empire, banished from his country and committed to the defence of exiles, Victor Hugo proclaimed that peace in Europe presupposed the abolition of all forms of despotism, through war — the *last war* — if need be: “The first condition of peace is deliverance. And to achieve deliverance, there will certainly have to be a revolution, which will be the greatest of all, and perhaps, alas, a war, which will be the last. Then all will have been accomplished. Peace, being inviolable, will be eternal”. And he concluded: “Liberty is the goal; peace is the outcome.”²¹

It was at this time that Geneva was discovering its vocation as a venue for conferences. In many countries of Europe with autocratic governments, freedom of assembly was limited and freedom of expression was not assured. With its liberal laws and its open-minded attitudes, every year the city of Calvin attracted politicians, diplomats, trade unionists and

¹⁸ See Peter Haggemacher, «Just war and regular war in sixteenth century Spanish doctrine», *International Review of the Red Cross*, No. 290, September-October 1992; and, by the same author, *Grotius et la doctrine de la guerre juste*, PUF, Paris, 1983 (publications of the Graduate Institute of International Studies, Geneva).

¹⁹ Livy, Book IX, I. Quoted by Machiavelli in *The Prince*, ch. XXVI.

²⁰ *Op. cit.* (note 8), p. 139. When Garibaldi’s volunteers attacked the Papal States, the International Committee approached the Federal Council and Monseigneur Mermillod, recently appointed Bishop of Hebron *in partibus* and auxiliary for Geneva, in the hope of encouraging the Vatican to become party to the Geneva Convention of 22 August 1864. (Letters from Gustave Moynier to the President of the Confederation and to Mgr Mermillod dated 1 November 1867.) Mgr Mermillod immediately followed up the Committee’s request and the Papal States announced their accession to the Convention on 6 May 1868.

²¹ Victor Hugo, Congress of Lausanne, 4 September 1869.

pacifists. The facts are eloquent. In 1863, it hosted the founding conference of the Red Cross; in 1864, the first diplomatic conference which drew up the Geneva Convention; in 1866, the first congress of the International Workers' Association; in 1867, the first International Congress for Peace and Liberty; in 1868, the diplomatic conference for the revision of the 1864 Geneva Convention. The succession of congresses was interrupted briefly during the 1870-71 war, and then started again in 1871-72, with the Alabama arbitration. In 1873, the Peace Congress returned to Geneva. In 1874, the first session of the Institute of International Law was held at the Hôtel de Ville, followed in the same year by a new Congress for Peace and Liberty. In twelve years, from 1863 to 1874, nine international congresses were held in Geneva to discuss major issues concerning the protection of war victims, the condition of workers, the advent of peace, arbitration, and the development of law, all preparing the city for the role it was to play later on the international scene.

The Franco-Prussian war of 1870 did not interrupt the meetings of the *Ligue de la Paix et de la Liberté*.²² But events often upset ideals, and the League had to adapt its objectives of peace and the creation of a United States of Europe to the brutal resurgence of territorial claims: "The annexation of Alsace and Lorraine, on the pretext of constituting a defence against future dangers, is nothing more than a straightforward territorial conquest. The right of their population to self-determination, though suppressed by force, remains, and will reappear as soon as that force has ceased to exist."²³

In 1874, the Congress for Peace and Liberty met again in Geneva. Victor Hugo, who was invited to attend, this time declined the invitation. He added new reservations to those he had already expressed in 1869. Meanwhile, there had been the Franco-Prussian war, the invasion of France, and the loss of two provinces. Reparation was required. Hence the prime issue was no longer peace, but justice. "All fraternities are adjourned; where there was hope, there is now menace: we are faced with a whole series of disasters, each of which gives rise to another and must be seen through; there is no stopping now."²⁴

²² The Peace Congress met in Basel in 1870, in Lausanne in 1871 and in Lugano in 1872. From 1873 onwards, it met regularly in Geneva.

²³ *Ligue internationale de la Paix et de la Liberté*, Fifth Congress, Lausanne, 25-29 September 1871, Resolution No. 4 (international law).

²⁴ Victor Hugo, *La question de la paix remplacée par la question de la guerre - À MM. les membres du Congrès de la Paix à Genève*, Paris, 4 September 1874.

What the great orator was prophesying was only too real. The 1870 war had created between France and Germany a climate of revenge, mistrust and hostility which for almost a century, through two world wars, was to impede any attempt to construct a pacified Europe, despite the conclusion of agreements which banished war only in the minds of their signatories. Yet this very hostility, because of the threat it constituted for the European nations, encouraged the creation of new pacifist organizations with universal aspirations. Without going into details of their development, we might just mention the most representative ones in the field of arbitration and peace: the Bureau of the Inter-Parliamentary Union, which was founded in Bern in 1892, and the International Peace Bureau, the Nobel Peace Prize winner for 1902, which was founded in Rome in November 1891 by the International Congress for Peace.²⁵

These considerations are not digressions from our subject. In order to understand the problem facing the Red Cross, we need to move back into the climate that prevailed at that time, to recall what currents were underlying the pacifist movements, and to be familiar with the arguments brought against their more extreme representatives. For example the lawyer Rolin-Jacquemyns, commenting on the programme of the League for Peace and Liberty in 1873, did not spare his criticism: "Have we not seen meetings held in Lausanne under the guise of a Congress for Peace and Liberty, whose very title appears absurd to anyone taking a cold, hard look at the reports of their debates? Far be it from us to compare these largely sterile assemblies with the brilliant, generous gatherings of the Peace Congress, which have been held several times since 1842 in London, Paris, Brussels and Frankfurt. We believe the time has come to move on to something more tangible than vaguely worded wishes and diatribes against warfare".²⁶ By this he meant collective legal and academic action through the creation of the Institute of International Law, whose motto, *Justitia et pax*, complements that of the Red Cross, *Inter arma caritas*.

In the circumstances, the Red Cross, in its beginnings, might well have hesitated to become fully associated with any one of the pacifist movements. Any such commitment, which would have involved adopting

²⁵ Élie Ducommun, first secretary of the International Peace Bureau, and Charles-Albert Gobat, secretary of the central office of the Inter-Parliamentary Union, were jointly awarded the Nobel Peace Prize in 1902.

²⁶ G. Rolin-Jacquemyns, "De la nécessité d'organiser une institution scientifique permanente pour favoriser l'étude et les progrès du droit international", *Revue de droit international et de législation comparée*, Vol. V., 1873, p. 466.

a political, ideological or religious stance, would have drawn it into factional struggles, whereas the Red Cross doctrine aimed at universality. What it considered essential was to devote itself to the task it had chosen, namely improving medical services and protection for the wounded.

As we have seen, in his first speech to the Geneva Conference in October 1863 Gustave Moynier immediately addressed the problem which we are examining here, that is, the relationship between, and possible paradoxes inherent in, the struggle against war on the one hand and the protection of war victims on the other. He put forward one of the arguments which shaped the attitude of the Red Cross to the peace problem, namely that it is by revealing the realities of war, by proclaiming, in the name of charity, "what politicians all too often try to hide", that we can act most effectively in favour of disarmament. From that moment the International Committee clearly showed that it would refrain from joining in the direct action of pacifist movements, while at the same time supporting their aims.

When he joined the *Ligue internationale et permanente de la Paix* as a founding member, Gustave Moynier wrote a letter to Frédéric Passy in May 1868 outlining for the first time what in his view should be the relations between and the respective tasks of the Red Cross and the Peace Societies.

Gustave Moynier began by assuring his correspondent of the support of the Red Cross and countered accusations that the institution encouraged war by being content with moderating its effects. He did suggest, however, that Red Cross action alone would not be enough to do away entirely with the hardships of war: "I am even more anxious to support your peaceful activities because our endeavours on behalf of wounded soldiers have been accused of encouraging war by making it less atrocious. Needless to say, such is not my sentiment. We in no way claim to rid war so completely of its horrors that the fate of its victims would become en- viable. Whatever we do, war will always remain a major calamity and we shall never be short of arguments for condemning it".²⁷ Thus, added Gustave Moynier, by assisting war victims, by dealing with the most

²⁷ Gustave Moynier to Frédéric Passy, May 1868. This letter was published in the appendix to the report of the first general assembly of the *Ligue internationale et permanente de la Paix*, held on 8 June 1868 (*Bibliothèque de la Paix*). Gustave Moynier, who had considered publishing the letter at that time, finally included it in an article which appeared in the *Revue internationale de la Croix-Rouge*, No. 126, April 1901, p. 74.

urgent tasks first, the members of the Red Cross were making a useful contribution to the League for Peace.

Gustave Moynier took up the argument again the following year, in the first issue of the *Bulletin international des Sociétés de secours aux militaires blessés* (October 1869). Replying to those who felt that the first concern of relief societies should be not so much to assist the wounded as to try to tackle the problem at its roots and thus bring lasting peace to peoples, he wrote: "Those who voice this objection no doubt forget that there are associations whose aim is precisely to make war on war, which is already a way of meeting the most generous aspirations of the modern mind. They might reflect that while we await the triumph of the friends of peace, wisdom tells us to hold ourselves ready for any eventuality".

In December 1892, in reply to a request by the editor of the *Deutsche Revue*, Gustave Moynier wrote an article under the title "Die Härten des Krieges und das Völkerrecht" (the hardships of war and the law of nations),²⁸ reviewing the problems for the human conscience which arise from the attempt to maintain rules of law in a sphere which, by its very nature, knows no rules and submits to no law.

At the time he published the article, Gustave Moynier had almost thirty years of experience in humanitarian law and the law of war. He played a key role in preparing and drafting the 1864 Geneva Convention and later in revising and extending the treaty; he was involved in the founding and the work of the Institute of International Law; he proposed and published the Manual of the Laws of War on Land (known as the «Oxford Manual»), which consolidated in a single document all the laws which at the time limited the freedom of belligerents to choose means of warfare and imposed rules of conduct with respect to non-combatants and persons *hors de combat*.

He could not help observing, however, that wars were no less frequent and deadly, and that although international humanitarian law had without a doubt helped to protect the victims of conflict and had to some extent attenuated the effects of violence and perhaps prevented an escalation of reprisals, on the other hand, as a result of the constant build-up of arma-

²⁸ "Die Härten des Krieges und das Völkerrecht, ein Brief des Präsidenten des internationalen Instituts für Völkerrecht, Herrn Moynier, an den Herausgeber der Deutschen Revue (Richard Fleischer)", *Deutsche Revue über das gesamte nationale Leben der Gegenwart*, 17th year, Vol. IV, Breslau, October-December 1892, pp. 331-339. It was also in the *Deutsche Revue* that Henry Dunant published the German translation of his pacifist manifesto "La proposition du tsar Nicolas II" in 1899.

ments, the growing technical sophistication of weapons, and the mobilization of many classes to do military service, the harm and destruction caused by war were developing faster than the laws aimed at containing them. Treaties were therefore being drafted to deal not only with relief for the wounded, but also with the conduct of hostilities. Did this mean that a nation conducting warfare in accordance with these rules would be entirely blameless? Was there then a right to destroy?

It is easy to understand how these questions troubled Gustave Moynier and how he had begun to wonder whether the wish to reconcile these two incompatible factors, namely the material existence of war and its codification, had not led to the acceptance, in his own words, of an illogical, unstable situation which could be justified only if it opened the way to its abolition.

Gustave Moynier began by explaining why he was replying to the request of the review's editor, and why he was returning to a topic which had already caused so much ink to flow. It was, he wrote, because there were some things which could not be said often enough. "A reform such as that which is currently taking place in the field of warfare cannot fully succeed unless it receives the support of all the peoples of civilized nations. And it is only through endless repetition that this notion can be instilled in peoples' minds and that their hearts can be won."²⁹ Gustave Moynier therefore focused on the rules which the conscience of peoples imposed on governments. He left aside, as he said, charities, such as the Red Cross, although it had to be understood that by that term he referred only to relief organizations and that the main subject of his study remained international humanitarian law. It is worth noting, moreover, that he signed the article as President of the Institute of International Law.

"Our subject poses the problem of reconciling two incompatible elements. On the one hand a material fact, warfare, which, whatever views one may hold, is likely to hold sway in the world for a long time to come. On the other hand, a moral fact, the awakening of a collective conscience in humankind, which, as it has become increasingly refined, has reached the conclusion that war must be considered as a morbid disorder that should be eliminated. From this inconsistency, by a kind of compromise, a mixed situation has emerged. We have not given up fighting, but we do it in a slightly different way. We have tempered combat by imposing

²⁹ Original text in French, according to the manuscript dated October 1892. ICRC, Moynier archives.

a few not too troublesome restrictions, which do not satisfy the philanthropists but which help them to bide their time in the hope of better things. This situation is obviously both illogical and unstable. I believe it will evolve towards gradual elimination of the use of violent means for the settlement of international conflicts (...).”

He then listed the international treaties (ratified or otherwise) relating to warfare. Leaving aside the Paris Declaration of 16 April 1856 prohibiting privateering at sea and laying down conditions for blockades, Gustave Moynier noted that all the rules relating to warfare were concentrated within a short space of time, between 1863 and 1880, before which there had been none and after which (at the time he was writing, in 1892) no more were forthcoming. He went on to analyse the five legal instruments which had been drafted in the course of those eighteen years but had not all been promulgated: the Geneva Convention of 22 August 1864, the draft Additional Articles of 1868 to the Geneva Convention, the 1868 St Petersburg Declaration prohibiting the use of explosive projectiles of a weight below 400 grammes, the Brussels Declaration of 1874, and the Manual of the Laws of War on Land adopted by the Institute of International Law in 1880.

As he pointed out, those treaties and declarations did not all have the same binding force: only the Geneva Convention and the St Petersburg Declaration had been ratified. But were they entirely devoid of any sanction? Not so, replied Moynier, who, in 1872, had tried to persuade the international community to adopt a penal sanction in the event of violation of the Geneva Convention, an appeal which had gone unheeded. Not so, he said: “for whomsoever can read between the lines, it is not hard to detect in these documents, besides commands which it seems could be violated with impunity, a tacit stigma attached to those who fail to take account of those commands. Such a penalty is not ‘afflictive’, but it is extremely ‘infamous’ and may hold in check combatants who are reluctant to be seen as barbarians. The old customs did not have this type of binding force. Since they were always more or less debatable, they were never expressed in terms of clear, irrefutable precepts, while precise, clearly worded rules leave no doubts about the deeds which must not be committed. One can only be guilty, truly speaking, once the commandment has been issued.”

Apart from the treaties which became part of positive law after their ratification, Gustave Moynier referred to provisions which, though they had not been ratified, had been approved at a diplomatic congress and, in his opinion, could be considered binding without promulgation. Among

these draft conventions and declarations, Moynier drew a distinction between articles on which there had been no consensus, because the participants had failed to agree, and those which had been approved by a vote. The latter, he argued, had not been submitted for ratification only because they were attached to the former. "If they had been separated from the whole draft in which they appeared and made into special conventions, they would now be legally approved." Therefore, he considered, provisions which although unratified had been universally adopted enjoyed an authority almost equal to that of real international laws, since both were the expression of contemporary customs and those who violated either were anyway not liable for prosecution before a court of law.³⁰

That did not mean, on the other hand, that it was unnecessary to convert texts on which all had agreed into positive law. The States party to such treaties had gained the right to complain in the event of violations, and reprimands issued by governments "constitute a far more serious punishment than reproaches from individuals without authority, so the threat of such reprimands may induce belligerents to be much more circumspect in their conduct".

Gustave Moynier thought that efforts to attenuate the hardships of war would continue, and that new international agreements would be concluded. He then expanded on the argument which he had put forward in 1868 in his letter to Frédéric Passy, namely that humanitarian law alone would never lead to the abolition of war, which by its nature generates violence.

"The preamble to the Declaration of St. Petersburg states that the progress of civilization should have the effect of alleviating as much as possible 'the calamities of war'; so far so good, but war itself is absolutely refractory to civilizing influences. It seems to me to be a vestige of barbarity which civilization would tend to eliminate, rather than a seed of progress to be germinated. I cannot imagine civilization, which aims to make law prevail over force in relations both between groups and between individuals, coming to terms with war, which in its decisions takes no account of justice and in which the strong prevail over the weak.

³⁰ Pursuant to this principle, Gustave Moynier had asked the Swiss Federal Council to propose officially to nations which had taken part in the Geneva Diplomatic Conference of 1868 to ratify separately the additional articles concerning maritime warfare, which had been unanimously adopted, by detaching them from the draft convention as a whole. The Federal Council did not act on this proposal on the grounds that such a decision should be taken by a diplomatic conference.

The act of mutual destruction in no way bears the seal of civilization. A civilized war is, in my opinion, a contradiction in terms.”

It should not be concluded, therefore, that gradual attenuation of the ills of war would necessarily lead to its abolition; the humanitarian conventions should rather be seen as a blow against war as an institution. Codifying methods of warfare had thus opened the way to its elimination.

“When it came to be admitted that among the means employed by belligerents to gain the upper hand some were unnecessary, and the decision was made to ban them, this was the start of a far-reaching process. Where in fact do we situate the limit which is not to be exceeded? Who is to judge? The soldier or the moralist? As time goes by, will one not begin to ask whether thousands of people really need to be slaughtered for harmony to be restored between two nations, and whether the victory of just causes might not be obtained by gentler methods, more in accordance with the spirit of brotherhood which we proudly claim has now become universally accepted? The proof that this question is unavoidable is that it has been asked in the first place and, once it has been asked, belief in the inevitability of war, the major argument put forward by its supporters, is bound to be shaken.”

Thus, Gustave Moynier concluded, the way to outlaw war is to impose rules on it rather than making moving speeches, and to demonstrate its true nature through philosophical analysis. The Red Cross played a pioneering role in this respect:

“It is especially when I think of those still far-off consequences that the drafting of a code of laws of war seems to me to have social implications that are as significant as they are beneficial, and that I agree with those who see the adoption of the Geneva Convention as a memorable act, because it has marked the beginning of a new era which will culminate in the liberation of mankind from major ills still prevailing today.”

Gustave Moynier returned to the attitude of the Red Cross towards pacifist movements in an article published in the *Revue internationale de la Croix-Rouge* in April 1901, entitled “La Croix-Rouge et l’œuvre de la Paix”,³¹ in which he quoted his letter of May 1868 to Frédéric Passy. He repeated the arguments which he had upheld ever since the founding of the Red Cross. In his view, while the two undertakings, one philanthropic

³¹ *Supra*, note 27.

and the other pacifist, shared a common disapproval of warfare, they resorted to different methods and means. "There was no possibility of placing services of such a different nature under the same authority, even though they constituted a harmonious whole, whence the division of responsibilities which occurred by necessity between the Peace Societies and the Red Cross Societies. (...) As they perform tasks of different kinds, these associations have not had the opportunity to meet or to cooperate in any action, but should nonetheless be considered as constituting two parallel courses of action tending towards the same goal."

The Red Cross also relied, wrote Gustave Moynier, "on the persuasive spectacle it offers of a firm faith in the brotherhood of peoples, which indeed is claimed as their mainstay by the apostles of peace. It does not only preach this belief; it also applies it on a large scale, in contexts which are particularly hostile to its adoption. (...) These results afford us a glimpse of all that the sentiment which produced them might engender if it could penetrate more deeply in the masses, instead of remaining as now only skin deep in many individuals".

That position was maintained until the First World War. When peace returned, new factors came into play. The preservation of peace then became the main objective of the League of Nations, and was enshrined in its Covenant. As soon as the peace programme took on a universal character, the Red Cross and Red Crescent world could include pacifist propaganda in its own programme without forfeiting either its specific nature or its neutrality. These circumstances enabled the 10th International Conference of the Red Cross, meeting in Geneva in March 1921, to invite the ICRC and the League of Red Cross Societies to issue an appeal to all peoples of the world urging them, in the words of Resolution V, to combat the spirit of war which still hovered over the world.³²

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³² See in this connection: ICRC and League of Red Cross and Red Crescent Societies, *To promote peace: resolutions on peace adopted by the International Red Cross and Red Cross Movement since 1921*, Geneva, 1986.

International Committee of the Red Cross

New access rules open the archives of the International Committee of the Red Cross to historical research and to the general public

In July 1995 the ICRC's Executive Board asked the Archives Division and the Directorate for International Law and Policy to draw up new rules governing access to ICRC archives. On 17 January 1996 the ICRC Assembly adopted the text submitted by them and instructed the Archives Division to organize a consultation system for the institution's public archives.

The ICRC decided to allow greater access in view of the exceptional public interest in the archives of an organization which has been active in connection with most of the conflicts of the last hundred and thirty years. It is also responding to the requirements of historians and the desire of institutions such as the Yad Vashem World Centre for Teaching the Holocaust, in Jerusalem, the United States Holocaust Memorial Museum, in Washington, and the Centre for Contemporary Jewish Documentation, in Paris, to supplement their own archives. The ICRC would also like to provide access to people seeking biographical data or accounts regarding individual victims of conflict.

When it departed from the traditional rules on its archives, which allowed access only in exceptional circumstances, the ICRC considered various possibilities for new regulations. It referred to the law governing archives in a number of European countries, including Switzerland, and to the rules in force in the democratic States in general. For access to its "general" archives, it opted for a protective embargo period of fifty years, in line with legislation in the above-mentioned countries. They all apply a similar time limit to diplomatic archives, to which ICRC records are comparable.

The ICRC referred to the same legislation for personal data contained in the files of the Central Tracing Agency and for the personal files of its employees, and decided on an embargo period of 100 years. It will

nevertheless authorize indirect access — i.e., through an archivist — to biographical data dating back more than fifty years.

As soon as the new rules were adopted, the ICRC opened a reading room for researchers wishing to consult its archives. (In the first nine months of 1996, the reading room was used by researchers for some 100 working days. In the same period, the archivists and those responsible for historical research replied to almost 200 queries.) The room provides six work places and is open to the public on Mondays and Tuesdays, from 9 a.m. to 5 p.m. (other weekdays upon request). Readers are asked to announce their visits and to complete the registration formalities usually required in public archives. Access to the reading room is free of charge. At the same time, a new rule stipulates that any historical research carried out by ICRC staff on behalf of third parties will be subject to the payment of a fee.

Under the new arrangements, the ICRC gives historical researchers access to a set of general archives measuring almost 500 linear metres and covering the history of the ICRC from 1863 to 1946, with some series extended to 1950.¹

In addition to the complete minutes of the Committee's own plenary meetings and those of the commissions set up by it, there are three sets of files worthy of particular mention.

First are the archives covering the founding of the Red Cross and of the International Committee itself (1863-1914) plus the archives of the Basel Agency, set up during the Franco-German War of 1870-1871, and the archives of the Trieste Agency, formed at the end of the Balkan conflict (1875-1878) which, with Russia's intervention, initiated the decline of the Ottoman Empire.

Then there are the archives from the First World War, consisting almost exclusively of files accumulated by the International Prisoners-of-War Agency, which, like the Basel and Trieste agencies, was a precursor of the Central Tracing Agency.

Among the archives covering the build-up of tension that led to the outbreak of the Second World War and the consequences of that conflagration, a number of sets deserve special mention. For the period between the two world wars, these documents provide insight into developments

¹ See below, p. 558, for the list of archives open to the public.

in the law, including the preparation of the 1929 Convention on the treatment of prisoners of war and the failure of the "Tokyo draft", drawn up to protect the civilian population. They also illustrate the new tasks in the realm of coordinating humanitarian action that began to fall to the ICRC.

The main set concerning the Second World War begins with the conflict in Abyssinia (1935-1936) and the Spanish Civil War (1936-1939). These chiefly describe the intense activity for the protection of prisoners of war, the relief operations and the steps taken and setbacks suffered in the endeavour to protect civilians.

Other sets of archives, also governed by the new rules, are not open for direct consultation by the public. They total some 2,000 linear metres of papers and card files, all subject to a consultation embargo of 100 years. Prominent among these are the monumental archives constituted during the First and Second World Wars by, respectively, the International Prisoners-of-War Agency and the Central Agency for Prisoners of War.² A second series, containing personal data and covering a more modest 100 metres of shelf space, consists of all the files on the ICRC's staff. Such files have been kept only since about 1930.

It should be pointed out that, contrary to common belief, archives are not the same as documentation centres; that is to say, their *raison d'être* is to serve as the 'memory' of the organization that created them rather than to assist outsiders seeking information. On the other hand, it is no exaggeration to say that a historian engaged in archival research may discover as many facts that he was not looking for as those that he had set out to establish.

We can safely say that this is so in the case of the ICRC archives and that the research now made possible by the new *Rules governing access to the archives of the ICRC* will help considerably to amplify the perception of the ICRC's history in its first hundred years.

Jean-François Pitteloud
Deputy Head
ICRC Archives Division

² Exhibited at the International Red Cross and Red Crescent Museum.

Rules governing access to the archives of the International Committee of the Red Cross

Adopted by the ICRC Assembly on 17 January 1996

Introduction — *Purpose*

- (1) The present Rules govern access to the ICRC's archives, which comprise:
- the archives of the ICRC's decision-making bodies;
 - the archives of Committee members;
 - the archives of the various units at headquarters;
 - the archives of individual delegations;
 - archival material from other sources which are kept at the ICRC.
- (2) The Rules also apply, by analogy, to current records, semi-current records and closed records which are not stored in the ICRC's archives.

Section I: General Provisions

Article 1 — *Principle*

The present Rules lay down conditions for access to the ICRC archives by two categories of users:

- members of the Committee and ICRC staff;
- the general public.

Article 2 — *Limitations*

The various limitations on access to the ICRC archives by each of these categories are set out in Sections II and III.

Article 3 — *Access*

The ICRC Archivist sets out the practical terms and conditions for access to the ICRC archives in the *Regulations for users of ICRC archives*.

Section II: **Committee members and the ICRC staff**

Article 4 — *Members*

- (1) In accordance with Articles 2, 3 and 17 of the *Règlement intérieur du CICR du 2 mai 1991*, Committee members have access to the ICRC's current, semi-current and closed records, whatever the classification of those documents. They do not have general access to the personal files of ICRC staff.
- (2) The right of access by the *Commission de contrôle de gestion* (Management Control Commission) is reserved in accordance with the regulations governing its activities, as approved by the ICRC Assembly.

Article 5 — *Staff*

- (1) In pursuance of their professional duties, permanent ICRC staff have access to the current, semi-current and closed records that are classified "internal" or "confidential" and are protected during a set period.
- (2) Only the unit that has created the document or, where this is not possible, the ICRC's archivists, may authorize access by ICRC staff to archives classified as "strictly confidential". The minutes of meetings held in camera by the decision-making bodies may be consulted only with the express authorization of the ICRC President.
- (3) The right of access by the Management Controller is reserved in accordance with the terms of reference pertaining to that post which have been adopted by the ICRC Assembly.

Section III: **Public**

Article 6 — *Public archives*

The general public has access to archives classified as public¹ after a set period of time, to ensure that such access will in no way be

¹ The ICRC archivists select and make an inventory of archives to be classified as "public".

detrimental to the ICRC, to the victims that it is its duty to protect, or to any other private or public interests requiring protection.

Article 7 — *Public archives*

- (1) Three types of document are to be found in the “public” archives:
 - General ICRC files dating back more than 50 years, including minutes of the decision-making bodies.
 - The minutes of the Recruitment Commission, the personal files of staff members and the record series containing personal or medical information dating back more than 100 years.
 - Access to biographical or autobiographical information on a specific individual is allowed after 50 years; such research, however, must be carried out by an ICRC archivist (see Article 10).
 - If permission is obtained from the individual concerned, the 50-year period may be shortened.
 - Access to archival material from other sources which has been stored in the ICRC archives is authorized from the date set by the individuals or institutions that deposited the material at the ICRC.
- (2) The period during which the public is barred from consulting a file runs from the date on which the file is closed.²
- (3) Documents that were open to consultation by the general public before being deposited in the ICRC archives remain so thereafter.

Article 8 — *Special access*

- (1) The Executive Board may, before expiry of the time limits set in Article 7, grant special access to facilitate academic work which the ICRC itself wishes to see successfully completed or which it finds of interest.
- (2) The Executive Board adopts the *Rules governing special access to the ICRC's classified archives*.

² See the annex to the *Rules* for a table of public record groups kept up to date by the ICRC archivists and approved by the Committee.

Article 9 — *Restrictions*

- Public access to ICRC archives may be temporarily delayed
- in order to permit necessary conservation work to be carried out on the documents requested, or
 - if no space is available in the reading room.

Article 10 — *Fees*

A charge is made for research carried out by ICRC staff at the request of persons outside the organization (see Article 7).

Article 11 — *Use*

No use may be made of the archives for commercial purposes unless a specific contract to that effect has been concluded with the ICRC.

Section IV: Entry into force

Article 12 — *Abrogation*

The present Rules replace, as of 1 January 1996, the *Rules concerning the consultation of ICRC records* of 22 May 1981.

Annex

Categories of historical archives open to the public

Period	Classification: archives group	Linear metres
1863-1945 (-1995)	Procès-verbaux Minutes of meetings of the Committee, executive committees and special commissions (certain series still running)	4
1863-1914	AF: Ancien Fonds All archives originating from those bodies other than the minutes	8
1870-1871	Agence de Bâle Archives constituted by the Basel Agency and forwarded to the ICRC when it closed	12
1877-1878	Agence de Trieste Archives constituted by the Trieste Agency and forwarded to the ICRC when it closed	1
1914-1918	C-S: Comité-Secrétariat Committee business other than that concerning the International Prisoners-of-War Agency	1
1914-1918	400: Agence internationale des prisonniers de guerre	11
1916-1922	[Versements tardifs] Various files without a structured filing plan (source and date of arrival unknown)	5

RULES GOVERNING ACCESS TO THE ARCHIVES OF THE ICRC

Period	Classification: archives group	Linear metres
1919-1921	FAW: Fonds d'archives de Watteville Protection of prisoners following the Armistice	4
1919-1950	CR: Croix-Rouge Archives from the ICRC General Secretariat, including files on legal and administrative matters and operations between 1932 and 1939	60
	– National Society series	10
	– International Red Cross series (1928-1950)	4
	– Operational series Chaco, Ethiopia, Spain, Sino-Japanese War	8
	– Other series Mainly legal matters and those concerning the International Red Cross before 1928	38
1919-1932 (1948)	Mis.: Missions Most before 1925; matters concerning Russia up to 1948	22
1919-1950	Classement décimal Relations with international institutions, in particular those concerned with social welfare	2
1919-1950	Files classified as confidential when the 1973 <i>Rules concerning consultation of ICRC records</i> entered into force (declassified)	3
1919-1922	MSB, Mission en Sibérie (Mission to Siberia)	2

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Period	Classification: archives group	Linear metres
1919-1922	S.V.: Secours Vivres (Food aid)	2
1920-1927	U.I.S.E.: Union internationale de secours aux enfants Missions carried out by ICRC delegates for the Save the Children Fund International Union	2
1921-1931	CR 87: Secours aux réfugiés russes (Relief for Russian refugees)	4
1921-1926	Commixt: Commission mixte de secours Operations to combat famine, mostly in Russia	3
1939-1950	G.: Archives générales du Comité Files on operational matters produced by the Central Secretariat	164
	– Delegations series (G.3, G.8)	35
	– POW/CI camps series (G.17)	20
	– Series on the treatment of POWs/CIs (G.25)	7
	– Series on Jews (G.44, G.59)	9
	– Series on relief, general (S.G)	8
	– Series on civilians, general (C.G.)	4
	– Correspondence series (G.85)	12
	– Other series	69
1939-1950	[Archives from the various ICRC units]	159

RULES GOVERNING ACCESS TO THE ARCHIVES OF THE ICRC

Period	Classification: archives group	Linear metres
	<ul style="list-style-type: none"> – Service des camps (Camps unit) Collection of reports on visits by delegates in two series, original reports (RO) and revised reports (RT), with a number of cardfiles 	48
	<ul style="list-style-type: none"> – Division des secours (Relief Division) 	75
	<ul style="list-style-type: none"> – Secours en Grèce (Relief action in Greece) ICRC archives relating to the work of the Management Commission 	4
	<ul style="list-style-type: none"> – Division Assistance spéciale (Special Assistance Division) 	11
	<ul style="list-style-type: none"> – Division Transport (Transport Division) 	4
	<ul style="list-style-type: none"> – Chronologies (divers Unités) (Chronological files, various units) 	7
1941-1947	CMS: Commission mixte de secours Archives of the joint ICRC/League Relief Commission kept in the ICRC archives	26
1939-1950	Archives des Délégations Files originating from the delegations, for the most part after 1944; also contains files closed after 1950 (not included)	32

ICRC activities during the Second World War

A group of researchers in the United States who have set themselves the task of locating the fortunes deposited in Swiss banks by victims — mostly Jewish — of Nazi persecution have laid their hands on a series of documents originating from the Office of Strategic Services (OSS), the American intelligence service which was the predecessor of the CIA. These documents, bearing dates in 1944 and 1945, contain allegations concerning individuals who worked for the ICRC during the Second World War.

The ICRC intends to shed all possible light on these allegations, which cast aspersions on the organization's activities in aid of victims during World War II. Its archivists are working hard to this end. Meanwhile, the Review is publishing a preliminary note on the subject drawn up by the ICRC Press Division.

The ICRC infiltrated by the Nazis?

The press has recently published extracts from documents kept in the files of the US intelligence service (Office of Strategic Services, predecessor of the present CIA) calling into question the actions of delegates who were working for the International Committee of the Red Cross (ICRC) at the time of the Second World War.

Two kinds of allegation were made:

- illicit dealings in funds or valuables looted from victims of Nazi persecution,
- espionage and even infiltration of the ICRC by agents of Nazi Germany.

The ICRC took these accusations very seriously and immediately started an investigation in order to shed light on them.

Although there has not yet been time to study all the available documentation, the following details can already be given:

I. Illicit dealings in looted funds or valuables

The US documents and research in the ICRC archives have shown that a former ICRC delegate named Giuseppe Beretta was implicated by the Turkish police in a case of illicit dealings.

Giuseppe Beretta, who entered the service of the ICRC on 10 February 1943, was first of all based in Izmir (Turkey). He was in charge of organizing food supplies for people in the Greek Aegean Islands, who were then suffering from a terrible famine. In August 1943, he was transferred to Istanbul, where his task was to forward relief to Italian prisoners of war in India. In January 1945, he was placed under investigation by the Turkish police, on suspicion «*of having acted against the provisions of the law on the protection of Turkish currency and of having imported certain goods without declaring them to customs*» (letter of 12 March 1945 from the Turkish Embassy in Bern to the ICRC). After the investigation, he was obliged to hand over to the police 710 gold coins deposited in a strongbox rented in his name at the *Deutsche Orient Bank* in Istanbul. He was then immediately recalled to Geneva, where he arrived on 12 February 1945. On the following day he tendered his resignation, which was accepted forthwith. At the explanatory meeting held a day later (14 February), Beretta declared that the 710 gold coins had been given to him by a Hungarian journalist named Willy Goetz-Wilmos, residing in Istanbul. According to a report filed by a US intelligence agent, Goetz-Wilmos was in fact a German working for the Gestapo. Beretta denied all the other charges levelled against him, and at the present stage of our research there is no proof that he did indeed misuse the ICRC mail to transfer funds or valuables to Switzerland, although this cannot be absolutely ruled out.

In a note dated 23 March 1945, Colonel Brigadier Roger Masson, head of the Swiss Army Intelligence Service, intervened on behalf of Giuseppe Beretta, requesting the ICRC to treat the case with «*benevolent understanding*». This will perhaps suggest that Beretta might have had some connection with the Swiss Army Intelligence Service, but we have as yet been unable to find any proof of this.

To the best of our knowledge, Beretta was neither charged nor convicted in Switzerland or in Turkey in connection with these extremely regrettable events. However, several employees of the *Deutsche*

Orient Bank were arrested, and Beretta's name was mentioned during their trials.

II. Charges of espionage

Other recently published US documents call into question the actions of ICRC delegates based in North Africa, and also in Naples and Marseilles.

The central figure in this set of charges is one Jean-Robert or Jean-Roger Pagan (the first name differs from one document to another), who worked for the ICRC from March 1941 to March 1942. At that time, he was employed in the colonial service of the Central Agency for Prisoners of War in Geneva, which dealt with the correspondence of prisoners from the French colonies. Pagan left the ICRC of his own accord in March 1942 and settled in North Africa, where he had occasional contacts with several ICRC delegates and more frequent contacts with one of them, Georges-Charles Graz, Director of the Agency, who carried out a mission in Algeria from April to October 1943 and was a former schoolmate of his.

Pagan was arrested on charges of espionage in October 1943, was subsequently convicted and was executed by firing squad in December 1944. During his interrogation, he gave the names of the delegates with whom he had been in contact, including that of Georges Graz, who was held for questioning for four days by the French police before being released and allowed to return to Switzerland.

We are not aware of any other delegates having been questioned in connection with this affair, but the possibility cannot be ruled out, as our research is as yet incomplete.

In any event, these recently published documents give rise to the following comments:

(a) Of some 50 people whose names are mentioned in the documents, 21 of whom are said to be representatives of the «International Red Cross», only 16 were permanent or temporary staff members of the ICRC. The other individuals mentioned — indeed those against whom the most serious allegations have been made — did not work for the ICRC.

(b) The author of the memorandum of 4 February 1944 confuses Dr Paul Burkhard, a physician who was an ICRC delegate in Naples, with Professor Carl J. Burckhardt, a well known historian and diplomat,

former League of Nations High Commissioner in Danzig, a member of the ICRC and Chairman of the Joint Relief Commission of the International Red Cross. It is undoubtedly this confusion that has led the author of the memorandum to conclude that the «International Red Cross» had been infiltrated up to the level of its governing bodies, but it also demonstrates his meagre knowledge of the ICRC.

(c) The author of the memorandum accuses ICRC delegates, especially Dr Paul Burkhard, the delegate in Naples, of having passed on information about the vessel *S.S. Canada*: «Late in December, the IRC headquarters in Geneva cabled IRC in Algiers details of an elaborate communication system for the Red Cross between North Africa and Southern Italy. A Dr Burkhard was designated as correspondent, and later as co-delegate of IRC for Southern Italy. Kuhne was told to get in touch with him. They were to work in prisoners' camps in Southern Italy. All of this would seem to be legitimate Red Cross activity. In addition, however, the cables set forth plans for an elaborate system of communications and the details for the use of a ship, the *S.S. Canada*, in terms scarcely necessary, it would appear, for ordinary or even extraordinary, Red Cross use. Inasmuch as Kuhne is already suspect, because of his associates, one inevitably questions the innocence of the plans. Since the date of the first cables, others of a similar sort, further elaborating the details, have passed.» «Enemy agents and the International Red Cross» (Memorandum of 4 February 1944, no author named, page 3).

The truth of the matter is that, in a letter dated 24 December 1943, the French Committee of National Liberation in Algiers requested the ICRC to notify the government of the Reich and the Italian Command of the commissioning of the hospital ship *Canada*, and communicated all the characteristics of the ship in accordance with the provisions of Hague Convention No. X of 18 October 1907. The French government subsequently asked the ICRC to send further notification about the ship on 25 November 1944.

(d) Similarly, the author of the report of 21 February 1944 accuses the delegate René Dechevrens, based in Tunis, of having communicated by telegram the names and addresses of two representatives («trustees») of German prisoners of war, namely Chief Corporal Fritz Winkelmann and Chief Corporal Karl Klingemann; the document further adds:

«The information regarding the fact that a German prisoner of war is a trustee in a prison camp seems to be of no possible use for the Red Cross, but distinctly of interest to the German Army.» (Report of 21 February 1944, page 6).

A check has shown that Corporals Winkelmann and Klingemann acted as representatives of German prisoners of war within the meaning of Article 43 of the Geneva Convention of 27 July 1929. It was the normal practice of the ICRC to mention the names of prisoners' representatives in its reports, since this information was in no way confidential.

Moreover, throughout the war the ICRC communicated to their States of origin and to their families the names, addresses and other particulars of millions of prisoners of war, not only German and Italian, but also Polish, French, Belgian, Dutch, Norwegian, Yugoslav, Greek, British, American, etc. By 1944, one had to be exceptionally ill-informed to be unaware of this.

(e) The other allegations concerning ICRC delegates are largely based on rumour. Certain delegates are declared to be suspect for the sole reason of having shared rooms with US officers at the Hotel Aletti in Algiers — a circumstance easily explained by the shortage of hotel rooms in a city suddenly promoted to the status of capital of Free France and headquarters of the Allied forces operating in the western Mediterranean.

In addition, with regard to some delegates, the documents merely mention that they should be placed under surveillance — and there is nothing surprising about this. It is indeed quite legitimate for a State at war to keep a watch on delegates who travel widely within the country and abroad, who have access to camps for enemy prisoners whom they are permitted to interview without witnesses and whose language they may be able to speak, who also have contacts with military authorities, who often have occasion to meet representatives of the enemy on cease-fire lines or in neutral countries, and so forth.

(f) We have no evidence that any highly-placed US authorities have attached to these reports the importance that certain organs of the press are seeking to ascribe to them today. In any case, neither the US nor the French government has shown any lack of trust in the ICRC.

III. General remarks

1. To sum up and at the present stage of our investigation, it would seem that the first case has all the hallmarks of a sordid affair. The ICRC severed relations with its delegate as soon as it learned of the facts and its attempts to clear up the matter were unsuccessful.

In the second case, it is already possible to refute the majority of the allegations of espionage and even of the infiltration of the ICRC by German agents; moreover, the author or authors of the recently published documents show total ignorance of the role and mandate of the ICRC and describe as espionage perfectly regular activities exercised openly, with the agreement or at the request of the allied authorities.

2. As stated above, the ICRC takes these accusations very seriously, even though, in one case at least, it is already evident that the acts of which certain delegates are accused are by no means as serious as some organs of the press make them out to be. The ICRC intends to shed light on the accusations levelled against it or against its former staff members, and we shall therefore continue our research and communicate the conclusions to the persons and organizations which have questioned us on this subject or have recently called into question the actions of ICRC delegates — in particular, the World Jewish Congress and Senator Alfonse D'Amato, Chairman of the US Senate Banking, Housing and Urban Affairs Committee. A mission to the US for this purpose is planned for early October.

3. It should also be borne in mind that during the Second World War the ICRC had over 3,000 employees in Switzerland, mostly assigned to the Central Agency for Prisoners of War and the Relief Division, up to 180 delegates posted at 92 delegations or sub-delegations in 61 different countries and several thousand locally recruited employees. On 30 June 1947, the Agency's files contained nearly 36 million index cards. By that date the ICRC had received over 59 million letters — mainly requests for information about prisoners of war or other missing persons — and had sent out over 61 million replies; ICRC delegates had paid more than 11,170 visits to camps for prisoners of war or civilian internees and had arranged for the delivery and distribution of 470,000 tonnes of relief supplies to prisoners of war and civilian internees — mostly in Germany — or the equivalent of about 90 million 5-kg parcels. The Joint Relief Commission had delivered and distributed some 165,000 tonnes of food, medicines and other relief supplies to people in need throughout Europe, while over 750,000 tonnes of food and other supplies had been distributed in Greece alone by the ICRC and the Swedish government.

ICRC Press Division

India: talking with the military

A two-day seminar entitled "International humanitarian law: its significance in the modern world" and organized jointly by the department of the Judge Advocate General of the Indian army, the ICRC and the Indian Red Cross Society was held in New Delhi on 28 and 29 August 1996. It was the second seminar of its kind, the first having taken place in 1988.

The Indian army Chief of Staff, Gen. Shankar Roy Chowdhury, delivered the opening address and introduced a new booklet, the "Code of conduct for combatants".

Senior officers of the Indian armed forces, from both operations and legal departments, ICRC delegates and representatives of the Indian Red Cross gave presentations on international humanitarian law and human rights law and their applicability in various military operations. The participants felt that the field of application of these two bodies of law needed further clarification, particularly in regard to low-intensity conflicts.

A talk entitled "The applicability of international humanitarian law to United Nations peace operations" was given by Lt. Gen. Satish Nambiar, commander of the UN forces in the former Yugoslavia in 1992 and 1993.

The seminar enabled the Indian armed forces, the fourth largest in the world, to reaffirm their commitment to international humanitarian law. This interaction with army officers also provided an opportunity for the ICRC to explain the legal basis for its activities, especially its operations in Jammu and Kashmir.

The ICRC Delegate General for Asia and the Pacific expressed the hope that this dialogue with the army would encourage the Indian government to reconsider signing the two Protocols additional to the 1949 Geneva Conventions.

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Reports and Documents

Accession to the Geneva Conventions by the Republic of Lithuania

The Republic of Lithuania acceded on 3 October 1996, without making any declaration or reservations, to the Geneva Conventions of 12 August 1949.

Pursuant to their provisions, the Conventions will come into force for the Republic of Lithuania on 3 April 1997.

This accession brings to **188** the number of States party to the Geneva Conventions.

Argentina: Declaration in accordance with Article 90 of Protocol I

On 11 October 1996 the Argentine Republic made a declaration accepting the competence of the International Fact-Finding Commission, in accordance with Article 90, paragraph 2 (*a*), of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). It thereby recognizes *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party.

The Argentine Republic is the **49th** State to recognize the competence of the Fact-Finding Commission.

Books and Reviews

**International Committee of the Red Cross (Dr Pierre Perrin, ed),
Handbook on War and Public Health, ICRC, Geneva, 1996¹**

As the world's population increases so do the numbers of people vulnerable to natural or manmade disasters. Armed conflicts continue to displace thousands from their homes every day. Meeting the health needs of these displaced people is of major concern. Both for diseases forgotten by the developed world and for emerging pathogens, methods of providing care have often lagged behind, as events in Zaire in 1994 graphically reminded the world. In this era of instant communications, the expectations of the international community and of displaced populations themselves for a speedy and effective response are not always met. Addressing these needs in an effective and efficient manner is an increasingly important area for international health workers. Not only are conventional public health skills required, such as epidemiology and health systems management, but the practitioner must now understand principles of development, know the causes and courses of armed conflicts, be well grounded in international humanitarian law, and be able to navigate through delicate ethical problems in the field.

The *Handbook on war and public health* by Pierre Perrin deals with these issues and more in a detailed and comprehensive manner. The text is based on the extensive experience of the ICRC in providing health services to populations affected by war and other disasters. A practical field-based approach runs like a thread throughout its pages. The principles and methods discussed have obviously been forged and honed in the field during countless disasters. At the same time it is not a series of checklists or algorithms. Its strength is its ability to unite practical field concerns with the theoretical and conceptual underpinnings of the Red Cross/Red Crescent Movement. In this it provides a unique resource.

¹ Available also in French: Comité international de la Croix-Rouge (Dr Pierre Perrin, éd.), *Guerre et santé publique, Manuel pour l'aide aux prises de décisions*, CICR, Genève, 1995.

Presented in other forms, some of the information has served as reference material for personnel attending the ICRC's ever popular H.E.L.P. and S.O.S. courses, and its availability now in book form will prove a valuable asset to international health workers in the field as well as graduate students.

The handbook starts with an outline of the planning process. Beginning with an assessment of needs, it follows the process through the determining of priorities, design of a programme, setting of objectives and selection of indicators, and ends with the evaluation. The chapter on food and nutrition is built around an understanding of the food chain and the impact on a population of various types of disruptions to the food system. Methods of nutritional assessment and potential pitfalls in carrying these out are also discussed. The sections on types of intervention and methods of distribution provide a good background for the public health practitioner.

Water and environmental health are presented in a way which does not overwhelm the non-engineer. Key facts for determining water needs and potential sources as well as treatment methods are clearly explained so as to allow health personnel to conduct a preliminary assessment and ask for technical assistance in an informed manner. Sanitation, which is badly neglected in most books on the health of displaced populations, is well covered. Options for faeces disposal are clearly set out with advice on the selection of the appropriate methods. The chapter on communicable diseases presents a comprehensive public-health approach while avoiding tiresome repetition of incubation periods and clinical symptoms. Examples from recent field situations effectively illustrate methods of containing outbreaks during emergencies. The practitioner going to the field might well supplement this chapter with an infectious disease handbook such as Benenson's *Control of communicable diseases in man*.

Chapter five on medical and surgical care deals with resources and organization for clinical care, both at the health-centre level and the hospital level. The section on planning surgical services in disaster situations draws on the unparalleled experience of the ICRC in war surgery. This chapter could arguably have followed the later chapter on setting up the health-care system, thereby balancing the facility orientation of chapter five with the basics of primary health care and its application among displaced populations. Chapter six, dealing with epidemiology, is a good review of general principles, but someone without a basic knowledge might be best advised to start with an introductory text such as Barker's *Practical epidemiology*. The section on epidemiological programmes is particularly good.

The concepts on which the Movement is built, although running through the whole book, come into focus in the last three chapters. "Disasters and Development" provides an important counterweight to the tendency of some relief agencies to lose interest in humanitarian emergencies after the crisis stage passes. The section on the origins of disasters and measures to reduce vulnerability is excellent. The chapter on protecting the victims of armed conflicts is a useful primer on international humanitarian law and human rights law for health-care personnel. Even better is the section on application, which obviously draws on the wealth of ICRC experience. In the complex world of the 1990s, the final chapter, an introduction to humanitarian ethics, is indispensable to anyone in the field of international health. The application of fundamental principles in specific situations is considered in detail. This is perhaps one of the most important parts of the book.

The *Handbook on war and public health* is a very readable book, which deserves to be the companion of all health personnel providing humanitarian assistance. It manages to capture a wealth of experience, and to present it in a way which is useful both as a ready field reference, and for health workers preparing for an overseas assignment. This book is a must for public-health personnel working with displaced populations in developing countries.

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Neil MacFarlane, Larry Minear, Stephen Shenfield, *Armed conflict in Georgia: A case study in humanitarian action and peacekeeping*, The Thomas J. Watson Jr. Institute for International Studies, Providence, R.I., 1996, 126 pp.

This new book on Georgia is the latest in a series of studies on humanitarian action in armed conflict published in the United States by Brown University's Watson Institute. Previous studies having concentrated on Asia, Latin America, Africa and the former Yugoslavia, it is the first to deal with a country of the Commonwealth of Independent States.

For several reasons it is an interesting study, for it describes humanitarian action in a context of widespread political, economic and social upheaval brought about by the break-up of the Soviet Union, focuses on three conflicts fought in rapid succession and involving different players and regions (South Ossetia, Abkhazia and Mingrelia) and highlights a new and particularly important theatre of action for the international community, not to mention the Russian Federation.

For the purpose of this study, a team of researchers travelled to Georgia in August 1994 and March 1995 and conducted numerous interviews in Vienna, Moscow, Geneva, New York and Washington. The result of their investigations, which lasted one year and included a review of the relevant literature, is unusual in that it blends the standpoint of the humanitarian practitioner with that of the academic analyst. The authors do express regret, however, that they were unable to meet the local authorities during their visit to Abkhazia.

The study covers the period from November 1989 (when open hostilities broke out in the South Ossetian Autonomous Oblast)¹ to April 1995; well structured, it is easy both to read and to consult. The three main chapters place the international action in its proper context and throw light on the specific nature of the Georgian problem, particularly its ethnic aspect; they also analyse the various dimensions of the humanitarian crisis, as well as the international response to it and the link between humanitarian action and the search for a peaceful solution of the conflict; finally, they discuss the role of the peace-keeping forces involved and their contribution towards solving humanitarian problems in the field. The work concludes with a number of recommendations for the future.

While it is difficult to summarize the conclusions of so detailed an analysis, a few ideas — which, of course, commit no one but the authors — do stand out in sharp focus.

First, the emergency humanitarian operation carried out in September and October 1993, when Abkhaz forces took control of Sukhumi and southern Abkhazia as far as the Inguri River (now a line of demarcation), was clearly a success: the humanitarian agencies dealt promptly with a sudden influx of about 250,000 displaced persons fleeing Abkhazia to seek refuge in western Georgia, and the worst was certainly avoided.

¹No political connotation attaches to my use of the term “South Ossetia”, which is proscribed in Georgian political discourse but is generally used by the international community and the press.

Even so, those displaced were able to return only in very small numbers, chiefly owing to the Abkhaz authorities' reluctance to readmit Georgian civilians and to security hazards in Abkhazia itself — not least the presence of mines in the Gali region. The role played by the office of the United Nations High Commissioner for Refugees (UNHCR), which was present at the political negotiations and chaired the Quadripartite Commission on the return of displaced persons, is the subject of a lengthy analysis focusing on the relationship between politics and humanitarian action. While the political negotiators believed that everything should be done to promote the swift return of those displaced, given the circumstances a number of the humanitarian players had strong reservations on the subject. The authors thus raise a fundamental question: the humanitarian problem posed by displaced persons required a political solution, yet how could a political solution be found for the conflict without effectively addressing the humanitarian crisis?

The authors also regret the low profile adopted by the international organizations in Abkhazia and South Ossetia and urge them to raise it. However, they do mention — all too briefly, of course, in this reviewer's opinion — the action taken by the ICRC in Abkhazia, which started in 1992 with the opening of two permanent offices, one in Gudauta and the other in Sukhumi. After witnessing the takeover of Sukhumi by Abkhaz forces, ICRC delegates maintained their presence on both sides of the front line throughout the conflict. Reminding both parties of the rules of international humanitarian law and the need to respect civilians, wounded combatants and prisoners was a constant factor of the action undertaken by the ICRC, which also provided emergency relief to displaced persons and others in especially vulnerable situations: the latter included elderly Georgians who, having remained at home in Abkhazia when the younger members of their households fled, were particularly exposed to persecution by uncontrolled elements. In a society caught up in violence, it required great perseverance to help these people and to remind the authorities of their obligation to protect them.

The authors' analysis of the many obstacles encountered by the humanitarian organizations rings a bell for anyone who knows the southern Caucasus: safety concerns, logistic constraints, the difficulty of pinpointing the intended beneficiaries of relief operations, diversion of part of the aid to private markets, the absence of any local non-governmental sector and the lack of coordination between the humanitarian agencies themselves are but a few examples.

Chapter four describes the action of the four peace-keeping forces in Georgia: the tripartite force in South Ossetia, made up of North Ossetians,

Georgians and Russians, whose main task was to monitor the implementation of the cease-fire concluded in 1992; the mission of the Organization for Security and Cooperation in Europe (OSCE), which was not strictly speaking a peace-keeping force but had a far broader mandate (it is worth noting how tasks were shared between the United Nations, whose special envoy Ambassador Edouard Brunner strove to find political solutions for the Abkhaz conflict, and the OSCE, which was far more active in South Ossetia); the peace-keeping force of the Commonwealth of Independent States, which consisted in fact of Russian troops then deployed along the Inguri and was mainly responsible for upholding the cease-fire, supervising the implementation of the provisions of the agreement reached between the parties on 14 May 1994 on the joint creation of a security zone, and promoting the return of displaced persons, particularly to the Gali region; and lastly, the United Nations Observer Mission in Georgia. The authors express satisfaction with those peace-keeping forces, which were entrusted with very different mandates, for the way in which they “froze” the Abkhaz and South Ossetian conflicts by ensuring that the cease-fire was by and large respected. They regret, however, that the Russian forces deployed in Abkhazia and the United Nations Observer Mission, whose relations were reportedly difficult, did not do more to create conditions in which displaced persons could return in complete safety. With respect to the United Nations Mission, that criticism is tempered by the recognition that it was an observer force rather than a peace-keeping force in the strict sense of the term — an important difference in the world of politics but one which is very often lost on the local population.

In the same chapter the authors also discuss Russian policy in Georgia, its objectives and development, in relation both to the policy pursued by the Georgian authorities and to the conflict in Chechnya. While some criticism is directed at the Russian peace-keeping forces in Abkhazia, which are sometimes seen as an instrument of national policy, it is pointed out that neither the United Nations nor the OSCE was keen to play a substantial peace-keeping role in the region. In spite of the problems raised, however, the study concludes that, on the whole, the deployment of Russian forces did much to meet the needs of the population. Without their presence there would have been a major risk of the conflict breaking out anew.

In analysing the interactions between peace-keeping (in the broadest sense of the term) and humanitarian assistance, the study concludes that they were limited for several reasons: the existence of lasting cease-fires; the fact that operations by the humanitarian agencies were concentrated outside regions where the peace-keeping forces were active; and lastly, the desire of the agencies present in Abkhazia not to make humanitarian

assistance a key factor in political negotiations, since it had to be completely independent if it was to meet the needs of the victims impartially. Some members of the peace-keeping forces who were interviewed suggested that humanitarian assistance was not their responsibility, since others were there for that purpose. In the authors' opinion, the situation was a missed opportunity for synergy.

To my mind, the Georgian crisis raises the interesting problem of the relationship, alluded to earlier, between politics and humanitarian action in all present-day conflicts. Personally, I believe that peace-keeping forces, wherever deployed, should be expected to create conditions favourable for humanitarian action and should be familiar with and implement international humanitarian law as part of their duties. Yet humanitarian action must remain independent — or at least politicians should ensure that there is scope for impartial and neutral humanitarian action, even if such action is not necessarily intended to be a contribution to peace in a comprehensive approach to the problems involved. Some suffering must be relieved simply for reasons of humanity.

Whether or not the reader agrees with the conclusions of this study, they will certainly provide stimulating food for thought.

For the ICRC and other humanitarian agencies, the Commonwealth of Independent States has posed and continues to pose challenging problems. Having for the most part been present for only three or four years in countries with unfamiliar values, cultures, traditions and languages, they find themselves up against cyclical conflicts or conflicts which, though frozen by fragile cease-fires, remain without any political solution. These agencies have to respond to the usual emergencies, but also to adopt a long-term perspective involving rehabilitation and projects designed to make communities self-sufficient again. They are striving to be creative in situations where the future is uncertain. They need to reassess the conclusions drawn from their African experience, since these are not always applicable in Eastern Europe and Central Asia, where problems are less extensive but the suffering is just as acute. First and foremost, however, they must ensure that their action contributes towards restoring a climate of trust among divided communities. This implies responsible behaviour untainted by partisan considerations and, above all, listening to others while respecting their dignity and differences.

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Recent publications

Tathiana Flores Acuña, *The United Nations mission in El Salvador: A humanitarian law perspective*, Kluwer Law International, The Hague/London/Boston, 1995, 253 pp.

This book examines the action of the United Nations Observer Mission in El Salvador (ONUSAL). The author focuses on the question to what extent ONUSAL's action succeeded in securing a better respect for international humanitarian law by the parties to the civil war.

Mario Bettati, *Le droit d'ingérence: Mutation de l'ordre international*, Éditions Odile Jacob, Paris, 1996, 384 pp.

A review of the history, the concept and the impact of the "droit d'ingérence" ("right to interfere or to intervene") by one of its most prominent advocates.

Elizabeth Chadwick, *Self-determination, terrorism and the international law of armed conflict*, Martinus Nijhoff Publishers, The Hague/Boston/London, 1996, 221 pp.

The title of this revised version of a Ph.D. thesis (University of Nottingham) is self-explanatory. A difficult problem revisited.

Collection of international instruments and other legal texts concerning refugees and displaced persons, published by the Division of International Protection of the Office of the United Nations High Commissioner for Refugees, Geneva, 1995, Vol. I: Universal instruments, 568 pp. and Vol. II: Regional instruments, 572 pp.

A comprehensive collection of texts, in English.

Yoram Dinstein and Mala Tabory, *War crimes in international law*, Martinus Nijhoff Publishers, The Hague/Boston/London, 1996, 489 pp.

A compilation of papers read at a colloquium held at Tel Aviv University in late 1993. The various texts examine “the multifaceted and complicated world of war crimes”.

Droit des conflits armés: Recueil des conventions, résolutions et autres documents, texts collected and annotated by D. Schindler and J. Toman, International Committee of the Red Cross/Henry Dunant Institute, Geneva, 1996, 1,470 pp.

This compendium contains all the international conventions relating to international humanitarian law, from 1856 to the present day, together with selected resolutions and declarations. It includes documents as recent as the Convention on the prohibition of chemical weapons (1993), the Statute of the International Criminal Tribunal for the former Yugoslavia (1993) and the *San Remo Manual* on armed conflict at sea (1994). Each text is accompanied by an explanatory note on the official publication and gives the status of ratifications and reservations. This work is an expanded version in French of the compendium prepared by the same authors under the title *The laws of armed conflicts* (third edition, Martinus Nijhoff Publishers, Dordrecht/Henry Dunant Institute, Geneva, 1988, 1,033 pp.).

European Journal of International Law, Vol. 7 (1996), No. 2.

Under the heading “The International Tribunal for Former Yugoslavia comes of age”, José E. Alvarez, Christopher Greenwood and Rafaëlle Maison examine various questions raised by the Tribunal’s first decisions.

Angelo Gnädinger and Christophe Girod, “Le politique, le militaire, l’humanitaire: un difficile ménage à trois”, in Jean Cot (ed.), *Dernière guerre balkanique? Ex-Yougoslavie: témoignages, analyses, perspectives*, Fondation pour les Études de Défense, L’Harmattan, Paris, 1996, 25 pp.

Two ICRC delegates discuss some lessons to be drawn from the conflict in the former Yugoslavia.

Guy S. Goodwin-Gill, *The refugee in international law*, 2nd edition, Clarendon Press, Oxford, 1996, 584 pp.

This is the second edition of an important work on international refugee law. The author examines the foundations and the substance of that law as it stands today. He concentrates in particular on the following core issues: the definition and description of refugees; the notion of asylum for refugees; the protection of refugees.

International Committee of the Red Cross (Jean-Philippe Lavoyer, ed.), *Internally displaced persons*, Report of the Symposium, Geneva, 23-25 October 1995, Geneva, 1996 (available also in French)

Papers, reports of the working groups, summary of the discussions and conclusions of a symposium convened by the ICRC on internally displaced persons.

International Federation of Red Cross and Red Crescent Societies, *Annual Review 1995*, Geneva, 1995, 56 pp.

The *Annual Review* covers the activities of the Federation Secretariat. After a general retrospective of the year 1995, the report discusses the following topics: statistical highlights, humanitarian action, capacity building, communications, advocacy, revenue generation, and administrative matters.

Larry Minear, "The evolving humanitarian enterprise", in Thomas G. Weiss (ed), *The United Nations and civil wars*, Lynne Rienner Publishers, Boulder/London, 1995, pp. 89-106.

Larry Minear and Thomas G. Weiss, *Mercy under fire: War and the global humanitarian community*, Westview Press, Boulder/San Francisco/Oxford, 1995, 260 pp.

Larry Minear, Colin Scott, Thomas G. Weiss, *The news media, civil war, and humanitarian action*, Lynne Rienner Publishers, Boulder/London, 1996, 123 pp.

The authors of these three recently published books discuss various issues relating to humanitarian action under present-day conditions.

Ricardo de Sola Ricardo, *La Cruz Roja Venezolana: Historia*, Caracas, 1995, 355 pp.

A history of the Venezuelan Red Cross published on the occasion of its centenary.

The Review

International Committee of the Red Cross

HANDBOOK ON WAR AND PUBLIC HEALTH

Geneva 1996

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The problem of protection for war victims is also discussed in connection with certain aspects of international humanitarian law, particularly those directly relating to health. Finally, the handbook offers professional health workers a guide to the ethical problems that arise at each stage of humanitarian action.

The handbook was prepared by *Dr Pierre Perrin* (ICRC) and is available in English and French.

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The author, *Hans Haug*, was a professor of public law, in particular public international law, at the St. Gallen University for Economics, Law and Social Sciences between 1967 and 1986, President of the Swiss Red Cross and Vice-President of the International Federation of Red Cross and Red Crescent Societies between 1968 and 1982 and a member of the International Committee of the Red Cross between 1983 and 1991. He begins by examining the various components of the Movement (the International Committee of the Red Cross, the National Red Cross and Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies), the seven Fundamental Principles of the International Red Cross and Red Crescent Movement, and international humanitarian law. Other subjects covered are the Red Cross and Red Crescent as a factor of peace, the cooperation of the components of the Movement with other national and international organizations, and the Red Cross and Red Crescent Movement and human rights.

This book is published by the Henry Dunant Institute, Geneva, and Paul Haupt Publishers, Bern/Stuttgart/Vienna. It appeared in *German* in 1991 and in *French* in 1992 (see review by Anton Schlögel in *IRRC*, No. 287, March-April 1992, pp. 202-205).

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