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THE ICRC AND NEUTRALITY IN MODERN CIVIL AND ETHNIC CONFLICT

by

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A Thesis

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through the Department of History, Philosophy, and Political Science
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ABSTRACT

This thesis examines the International Committee of the Red Cross (ICRC). Neutrality is the primary focus of the thesis, for it is a controversial and complex issue which the ICRC places at the heart of its mandate of humanitarian activity. The controversy surrounding neutrality is not new. Since its inception in 1864, the ICRC has met with criticism concerning its neutral mandate.

There has been a general loss of respect for the ICRC's neutrality, particularly in cases of civil or ethnic conflict. ICRC workers are targeted and killed while carrying out their duties, and the neutrality of the Red Cross emblem is currently the source of debate within the organization. This thesis offers new perspectives on the reasons for the apparent lack of respect or recognition of the ICRC's neutrality, and explains why the popular arguments and explanations for this development are lacking. The thesis argues that the popular argument is wrong to argue that war and conflict have changed, and therefore places workers at greater risk. The thesis argues that war itself has not changed, and therefore the popular argument cannot fully explain the attacks on workers, and the loss of respect for the neutral emblem.

Additionally, the politicization of humanitarian aid is often used by humanitarian workers, thinkers, and writers to explain this issue. The thesis argues, however, that the ICRC has successfully managed, in a great number of cases, to remove itself from the politicization of humanitarian aid groups. Chapter Four concerns the ICRC's decision to compromise its neutrality in some very rare and unique ways. The thesis argues that the ICRC's mandate of neutrality changes its form, depending on the situation in which the

ICRC is involved. At times, the ICRC's decisions and activities appear to depart from the guiding principle of neutrality. This thesis argues, however, that the ICRC almost always retains some aspect of neutrality and compassion for the victims of conflict in its activities.

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Introduction

The ICRC is independent of all governments and international organizations. Its work is prompted by the desire to promote humane conduct and is guided by empathy for the victims. The ICRC is impartial: its only criterion for action is the victims' needs. The ICRC is neutral and remains detached from all political issues related to conflict.¹

The International Committee of the Red Cross (ICRC) is typically portrayed as an international organization committed to humanitarian action, and to the high principles of: neutrality, impartiality, humanity, independence, unity, voluntary service, and universality.² It describes itself as the guardian of these principles, and as the epitome of an international humanitarian organization, and its mandate and mission statement support these claims. The heart of its mandate is the seven above-mentioned principles, and the goal of the mandate is to provide neutral, impartial humanitarian assistance to all human beings in need of aid. As well, the ICRC's mission statement consists of several articles, all of which emphasize the seven central principles of the mandate. For example, the first article states that, "The ICRC's mission arises from the basic human desire, common to all civilizations, to lay down rules governing the use of force in war and to safeguard the dignity of the weak."³ The

¹ "The Mission of the International Committee of the Red Cross (ICRC)," fourth article. Information booklet published by the ICRC. (Geneva, ICRC 17 June 1996).

² Donald D. Tansley, *Re-appraisal of the Role of the Red Cross. Final Report. An Agenda for Red Cross* (Geneva: Henri Dunant Institute, 1976), 33; also Cornelio Sommaruga, "Unity and plurality of the emblems," *International Review of the Red Cross; and Aid Under Fire*. Published by the Department of Humanitarian Affairs. UNST/DHA (05) 17 (New York, United Nations, 1995), 26.

³ "The Mission of the International Committee of the Red Cross (ICRC)," first clause.

ICRC's mandate and mission statement, therefore, focus mainly on restrictions and requirements which must be present when providing humanitarian assistance. The ICRC argues that it has always made every attempt to remain as dedicated to the above-mentioned principles as it possibly can when carrying out its humanitarian activities.⁴

Some observers argue, however, that there have been several times in the history of the ICRC's humanitarian activity when its dedication to its guiding principles can be said to have wavered, and even failed. For example, in some instances of serious internal conflict, such as the case of Nigeria, the ICRC has severely compromised some of the seven principles to which it subscribes.⁵ The ICRC's mandate and mission are consistent in theory, but in practical application, inconsistency appears between the goals the ICRC wishes to attain, and the reality that it achieves. As a result, critics argue that the ICRC has behaved in ways which compromise its position as the epitome of humanitarian action. It is suggested that perhaps the ICRC's goals are too idealistic, and therefore unattainable. Critics argue that perhaps it would be better for the organization to lower its standards to a more realistic level, thereby assuring less inconsistency between its goals, and the actual results of its humanitarian

⁴ For a general discussion of this perspective, see ICRC Vice-President Claudio Caratsch, "Humanitarian Design and Political Interference: Red Cross Work in the Post-Cold War Period," *International Relations* 11 (April 1993): 301-313.

⁵ For an examination of the ICRC's controversial activity in Nigeria, see David P. Forsythe, *Humanitarian Policies: The International Committee of the Red Cross* (Geneva: ICRC Publishers, 1977). The ICRC's activity in the Biafran civil war is discussed in Chapter Three of this thesis.

activities.⁶

In response, the ICRC concedes that there have indeed been cases when compromise was required, but the ICRC argues that these compromises were controlled, and do not damage its mandate or mission.⁷ The organization argues further that this is to be expected when dealing with groups in conflict: there is always a gap between the ideals set out by the ICRC, and the reality of what the ICRC can conceivably do. Warring factions have a tendency to not be motivated by ideals, other than their own, and this must be recognised as a constraint on its ability to be completely faithful to its own principles.⁸

This is not to imply, however, that the ICRC does not attempt and strive to achieve the seven aspects of humanitarian action outlined in its mandate. The ICRC argues that the most cursory examination of its work shows how serious this attempt has been; it has traditionally worked to protect the victims of war, to visit political detainees, and to provide relief and aid. It has also been active in promoting international humanitarian law, and implementing its seven fundamental principles in the Geneva Conventions and Protocols.

Additionally, the ICRC argues that further evidence of its commitment to the

⁶ For an especially detailed examination of such criticisms, see Morris Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint," *Journal of Voluntary Action Research* 4 (1975): 63-68.

⁷ Larry Minnear and Thomas G. Weiss, *Mercy Under Fire: War and the Global Humanitarian Community* (Oxford: Westview Press, 1995), 165-166.

⁸ David P. Forsythe, interview by author, tape recording, Toronto, Ontario, 19 March 1997.

seven basic principles can be seen in the international reputation which it enjoys. There are certain widespread beliefs concerning how the ICRC will and will not behave in times of crisis.⁹ The overwhelming expectation of the international community is that the organization will act with the consent of the warring factions, and will be a non-political actor, taking a neutral position between the parties in dispute.¹⁰ The ICRC argues that it will not favour or advance the cause of a particular side, and that its delegates sent to oversee the relief operations are also neutral.

Further, the ICRC argues that it has been successful where all other international humanitarian groups and bodies have failed, and it is the most trusted and respected international organization on the planet.¹¹ Although this is sometimes admitted grudgingly by its critics, it is widely accepted as fact. For example, *Médecins Sans Frontières* (MSF), one of the ICRC's rivals, admits that the ICRC commands respect and credibility in almost every conflict in which it chooses to provide assistance. The ICRC is accepted, trusted, and looked to as a leader in providing international aid.¹²

⁹ For an overview of the ICRC's role, see David P. Forsythe, "The Red Cross as transnational movement: conserving and changing the nation-state system," *International Organization* 30 (Autumn 1976): 607-629.

¹⁰ David P. Forsythe, "The Red Cross as transnational movement,": 612-613.

¹¹ Among several others, see Michael A. Meyer, "Why the Red Cross and Red Crescent should look before it leaps," *International Review of the Red Cross* 315 (November/December 1996): 621; also, Morris Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint,": 63.

¹² See Michael Ignatieff, *The Warrior's Honour: Ethnic War and the Modern Conscience* (Toronto: The Penguin Group, 1998), 120.

The ICRC argues therefore, that the international community expects it to be a humanitarian organization, limited by some constraints. These constraints are primarily dependent upon the situation in which the ICRC is involved when providing assistance. In civil wars, for example, the ICRC very often enters a country where there is no central authority or government, and the warring factions are civilian groups and militant factions, not organized state-military combatants. In these situations, the parties that the ICRC must deal with are not state governments, nor are they usually individuals trained in international humanitarian law. In Rwanda and Somalia, for example, ICRC workers and delegates were at serious risk of injury and death, largely due to the nature of the parties in conflict. As a result, the ICRC made several decisions regarding its mandate and mission, and modified its activities to safeguard its workers. These modifications all involved compromises of the ICRC's central principles.

Although the ICRC admits that compromising its guiding principles is unfortunate, it argues that it is not a failure of the International Committee of the Red Cross to remain true to its ideals. Rather, compromise is part of the reality of conflict, and it must be accepted as such.¹³ The ICRC argues that it works within limits, and makes compromises, but this is not a betrayal of the organization's seven principles.

This thesis argues that the ICRC has indeed compromised some of its ideals when dealing with states and groups in conflict. Specifically, the paper examines the organization's first principle, that of neutrality. The remaining six requirements are important, and are related to the first principle. As illustrated by the articles drawn from

¹³ Among many writers espousing this perspective, see especially Michael Ignatieff, "Unarmed Warriors," *The New Yorker*, 24 March 1997, 54-71.

the ICRC's mission statement, the organization's humanitarian activities aim to encompass all seven central principles. As pointed out by Van Boven, the seven principles are interdependent, and there is "therefore a definite risk in singling out one principle".¹⁴ Neutrality, however, has always been the most controversial aspect of the ICRC's mandate and mission. Its neutral stance sets it apart from all other humanitarian groups. No other international humanitarian group places such emphasis on neutral activity. In fact, groups see neutrality as a liability; many organizations actively favour one warring faction, or one ideology, or one individual leader or government. Neutrality is often against their mandates or mission goals.¹⁵ The ICRC's emphasis on neutral activity therefore separates it from other international humanitarian aid groups.

Neutrality in humanitarian assistance, therefore, is a controversial issue. This thesis recognises the complexity of the principle of neutrality, and also recognises that the compromises made by the ICRC are often difficult to understand. In many cases, the ICRC makes decisions or engages in activities that do not initially appear to be neutral. This thesis argues, however, that the ICRC's primary mission is to assist the victims of war: the wounded, the helpless, and those who suffer. Neutrality is an important guiding principle, intended to focus and direct the ICRC's activities, but it does not take precedence over the need to provide aid to the victims of conflict. If the

¹⁴ Theo C. Van Boven, "Some reflections on the principle of neutrality," in *Studies and Essays on International Humanitarian Law and Red Cross Principles*, ed. Christophe Swinarski (Geneva: The Hague, ICRC Publishers, 1984), 643.

¹⁵ For example, the Joint Church Aid (JCA) group involved in the Nigerian civil war. JCA is examined in Chapter Three of this thesis.

ICRC must compromise its neutrality in order to assist the victims of war, then it is willing to do so, within limits. For the ICRC, relative neutrality is sometimes the best that it can hope for, and it is willing to accept controlled compromises, for the sake of victims in need of aid.

The thesis argues that the ICRC's decision to compromise its principle of neutrality is not congruous with failure to meet its mandate of neutral humanitarian assistance. Very rarely has the ICRC betrayed its self-imposed principle of neutrality. The ICRC occasionally redefines its policy, or insists that its humanitarian duties are carried out under strictly controlled conditions which protect its neutral mandate, but it rarely fails to retain any degree of neutrality in its decisions and activities.

The first chapter of this thesis outlines the origin and history of the International Committee of the Red Cross; it shows how the ICRC evolved out of the personal experience and humanitarian vision of a single man, Henri Dunant. Further, the contributions that Dunant made to international humanitarian law are examined. The Geneva Conventions and Protocols are discussed to show how Dunant's ideas and concerns became the basis of the ICRC's seven principles, and the fundamental aspects of international humanitarian law and action.

Chapter Two focuses on neutrality. There is a great deal of uncertainty and controversy surrounding this principle, and the chapter attempts to explain some reasons for the confusion. The traditional definition and understanding of neutrality is examined, and compared with the ICRC's perception and embodiment of the principle. Writings and reflections of several thinkers, including Jean Pictet and Denise Plattner, introduce and explain this key principle of ICRC humanitarian action. Additionally,

criticisms expressed by other international humanitarian groups, including Amnesty International and *Médecins Sans Frontières* (MSF), concerning the ICRC as a neutral humanitarian actor, are discussed. Groups such as MSF and Amnesty International argue that the ICRC cannot be neutral and silent in the face of human rights abuses, and also be a humanitarian organization. The ICRC responses to its critics' arguments are examined in the chapter, including an examination of active neutrality and advocacy.

To illustrate the importance of neutral humanitarian activity, the ICRC's success in getting permission to visit political prisoners, in some of the world's least-accessible prisons, is discussed. The chapter shows how the ICRC's commitment to neutrality has created a working relationship with some of the most brutal and isolationist regimes in the world. The ICRC argues that without neutrality, and a code of silence, it would not gain access to the detention centres. Conditions under which the ICRC compromises its own fundamental principles of neutrality and confidentiality are also examined.

Chapter Three examines the role of the ICRC in cases of conflict within a state's borders. Although there are many levels of civil or internal conflict, specific attention is paid to the prevalent problem of total warfare, instances of which are increasing with the rise of modern ethnic conflict. The theory that the nature of war has changed and become more violent is discussed and examined through a series of case studies. The thesis discussion includes the cases of Rwanda, Somalia, the former Yugoslavia, and Chechnya.

Related to internal conflict are problems experienced by the ICRC concerning the loss of respect for the Red Cross and Crescent emblems, and the lack of

understanding of the ICRC as a neutral humanitarian body. One very serious manifestation of such non-recognition of ICRC neutrality has been the targeting and killing of ICRC delegates and volunteers. Instances of this violence against the ICRC are examined, and the reasons for it are discussed.

Chapter Four discusses the politicization of humanitarian assistance, and examines the impact that this has on the ICRC, focussing specifically on its role in civil, and ethnic conflict. The chapter examines the ICRC's struggle to cope with attacks on its workers and activities, and yet maintain a neutral, humanitarian presence in conflict. Two recent decisions made by the ICRC are studied to introduce its attempts to balance security and neutrality. First, its acceptance of armed escorts when carrying out its humanitarian activities is discussed, and the cases of Rwanda, Somalia, and Bosnia are examined. Second, the chapter discusses the ICRC's decision to suppress its emblem when engaging in humanitarian aid, and examines the cases of Ethiopia, and Afghanistan. Additionally, the results and repercussions of such activities upon the ICRC's neutrality are studied.

The final chapter looks to the future, and discusses the ICRC's role in future conflicts. The chapter reflects on some of the most commonly-advanced theories concerning the ICRC's future role, and introduces some thoughts on the predictions presented.

The ICRC is an extremely complex organization, and its principle of neutrality is only one aspect of its mandate, and mission. Although neutrality is a central, defining characteristic of the ICRC, it cannot and does not take precedence over its role as a humanitarian aid organization. The ICRC's primary concern is to help the helpless and

to advocate on behalf of victims. This thesis examines the ICRC's humanitarian activities aimed to assist people in distress, and its simultaneous attempts to maintain its neutral stance. The thesis illustrates that this is not an easy position to achieve and maintain, and discusses a number of cases where the ICRC has been successful in maintaining a balance, and also cases where it has been unable to do so.

Chapter One
The History of the ICRC and
the Development of International Humanitarian Law

War is an act of force to compel our enemy to do our will...Attached to force are certain self-imposed, imperceptible limitations hardly worth mentioning, known as international law and custom, but they scarcely weaken it...To introduce the principle of moderation into the theory of war itself would always lead to logical absurdity.¹⁶

All things are uncertain the moment men depart from law...once (war is) undertaken, it should be carried on only within the bounds of law and good faith...In order that wars may be justified, they must be carried on with not less scrupulousness than judicial processes are wont to be.¹⁷

The International Committee of the Red Cross (ICRC) is at present the world's largest, most recognised and well-respected organization involved in humanitarian aid. The ICRC has approximately nine hundred delegates, and a total of eight thousand local staff and national society personnel. The organization's annual budget is approximately six hundred and twenty million dollars (US), donated directly and voluntarily from state governments.¹⁸

The fact that states are the largest contributors, and therefore supporters, of the ICRC is evidence of the organization's international reputation and legitimate position as an humanitarian actor. Governments assist the ICRC financially to ensure its continued existence, and to maintain its effective activity. This financial support

¹⁶ Carl von Clausewitz, *On War* (New York: Princeton University Press, 1977), 75.

¹⁷ Hugo Grotius, *De jure belli ac pacis*. Quoted in Sydney D. Bailey, *Prohibitions and Restraints in War* (London: Oxford University Press, 1972), 24.

¹⁸ "The ICRC in 1994: Impressive Figures," ICRC News 09-95, March 1, 1995, published by the ICRC.

represents states' tacit approval of the organization's beliefs, actions, and principles.

Further proof of the international community's support of the ICRC is evident when examining the organization's presence in conflict. Ignatieff points out that the ICRC is actively involved in eighty countries. He writes that: "[the ICRC] works across the front lines of every armed conflict in the world, whether the media are there...or are not."¹⁹ This implies that the ICRC is present in conflict to assist the victims of war, and to provide humanitarian aid to people in need. It is not involved in horrific, violent situations to gain media attention and attract glory. Ignatieff argues that the ICRC's belief in its seven founding principles demands that the organization act well and humanely, whether it is recognised as doing so or not.²⁰

The ICRC's international reputation has not been achieved quickly, nor has the organization evolved without criticism. Even now, with the gains the ICRC has made and strong evidence of the good that it has done, it is still the focus of much disagreement and debate.²¹ A great deal of this debate arises from the organization's commitment to its founding principles of humanitarian action.²² These principles are viewed by many rival organizations as very idealistic, and are therefore deemed

¹⁹ Michael Ignatieff, "Unarmed Warriors," *The New Yorker*, 24 March 1997, 57.

²⁰ Ignatieff, "Unarmed Warriors," 57.

²¹ See, for example, Mario Bettati, "*Assistance humanitaire et droit international*" in *Les Droits de l'homme et la nouvelle architecture de l'Europe* (Nice: Institute of Peace and Development Law, 1991).

²² The seven founding principles of the ICRC are: neutrality, impartiality, humanity, independence, unity, voluntary action, and universality. Donald D. Tansley, *Re-appraisal of the Role of the Red Cross. Final Report. An Agenda for Red Cross* (Geneva: Henri Dunant Institute, 1976), 33.

unrealistic. To attempt to impose humanity in total warfare is difficult, especially in cases such as the former Yugoslavia and Rwanda, when ethnic genocide was the goal of the warring factions, and where unlawful, uncontrolled behaviour was the norm. It is also a very difficult ideal to act out in reality. How, then, did this organization, dedicated to what are often seen as impossible goals, come to be the world's foremost humanitarian actor, and the guardian of the principles of international humanitarian law?

History of the International Committee of the Red Cross

Although the Red Cross Movement is international in scope, and is known in some of the most isolated and desolate regions on the planet, the origins of the movement are far more humble. It began over one hundred years ago, with a single man.

Jean Henri Dunant was born May 8, 1828 in Geneva, Switzerland. His father was a wealthy Swiss businessman, and his mother was a very religious and kind woman. She was responsible for her son's early education, and more than any other individual, influenced his life.²³ It was she who encouraged Dunant's decision to become a member of the League of Alms in Geneva; this was a group of young volunteers dedicated to bringing "spiritual and material comfort and aid to the poor, sick and afflicted."²⁴ It was his involvement with the League which laid the foundation for Dunant's compassion and concern for human life, especially those suffering and in

²³ Introductory remarks, Henri Dunant, *A Memory of Solferino* (Washington: American Red Cross, 1979), 7.

²⁴ Introductory remarks, Dunant, *A Memory of Solferino*, 7.

need.

Dunant became an independent businessman, and travelled often and widely in this capacity. In June of 1859, while he was on a business journey in Western Europe, he visited Castiglione della Pieve, a town in northern Italy. Fatefully, his arrival coincided with the Battle of Solferino, a brutal conflict in which French and Italian troops were fighting against the occupying Austrian forces; this fierce battle took place very near to the town where Dunant was staying. The fighting was passionate, brutal, and fuelled by nationalist sentiments. In a few short hours, over 6,000 soldiers from all three armies were lying wounded and dead. In the following weeks, due to poor sanitary conditions and injuries, the total estimated dead swelled to more than 40,000.²⁵

Another explanation for the massive number of dead was the lack of medical assistance. Although the armies provided medical services for the combatants, the overall damage and impact of the battle had been severely underestimated. The services in place were totally incapable of coping with the situation, due to the sheer number of dead and dying. As a result, the wounded were abandoned, and left to die alone on the battlefield. After venturing out to the scene of battle to personally witness the horrors, Dunant wrote that, "many (men) were disfigured by the torments of the death-struggle... their bodies blotched with ghastly spots...their eyes staring widely...over clenched teeth that were bared in a sinister convulsive grin."²⁶ Men in this condition did not have long to live, and they were buried in a massive common grave,

²⁵ Information pamphlet published by the International Committee of the Red Cross, Public Information Division (19, avenue de la Paix, Geneva, Switzerland).

²⁶ Dunant, *A Memory of Solferino*, 48.

right on the battlefield. Dunant observed that due to the vast fields and plains, and the large number of bodies occupying such a huge area, the peasants hired by the armies to complete the burial grew careless. He wrote that he was certain that more than one man was buried alive.²⁷

Over the next few days, the town of Castiglione filled with casualties. It was at this point that Dunant, horrified by the extent of suffering that he witnessed, began to assist in the care of the wounded. Considering his upbringing by his mother, and his dedication to the League of Alms, his decision to become involved in a situation where countless others would have fled is not surprising. His commitment to human beings helpless and in distress was confirmed and strengthened by what he saw first-hand in Italy.

Dunant's account of his life-changing experience in Castiglione is unsparing in its detail; his descriptions of the injuries suffered by the men wounded in the battle are shocking and real. He wrote that one "wretched man had had part of his face -nose, lips, and chin- taken off by a sabre cut." Another, "with his skull gaping wide open, was dying, spitting out his brains on the stone floor."²⁸ Anyone in the presence of such horrific suffering would be changed by such an experience. Upon returning to Switzerland, Dunant could not simply forget what had happened in Italy, and altered his life dramatically. From that point forward, his independent business occupied a secondary place in his priorities. Dunant dedicated his life to finding a way to relieve

²⁷ Dunant, *A Memory of Solferino*, 49.

²⁸ Dunant, *A Memory of Solferino*, 62.

human suffering in battle.²⁹

For three years after the Battle of Solferino, Dunant grappled with the horror he had witnessed. Finally, in 1862, he made public what he had seen. The resulting book, A Memory of Solferino, was a simple and poignant account of men injured in the conflict, and of the untold suffering they had experienced. He described the conditions surrounding their deaths in shockingly honest terms, and wrote of the lack of medical supplies, water, and care. He wrote of late June in Italy, and how wounds grew more infected in the unbearable heat. He described how flies and vermin swarmed over and around the wounded, attracted by the blood and stench. Dunant wrote not merely to shock, nor to repulse people, but because it was imperative to him that those fortunate enough to have never seen the result of battle on human life, should understand its reality. To him, for men to die in such conditions as those who had died in Castiglione was inexcusable. In their last moments, these men were not distinguished soldiers, dying honourably in defense of their country. They were the victims of war, and most of them were barely human, so disfigured and twisted were their bodies and countenances. Dunant wrote his Memory to gather support for a sustained effort to understand to what extent human beings were made to suffer in war. He also sought to change this terrible situation for the victims of conflict.

Dunant published the book at his own expense, and sent copies to the reigning monarchs of Europe and to politicians, heads of state, military officers, philanthropists and personal friends. The book received unexpected praise among Europeans, who were, as Dunant knew, largely unaware of the realities of war, and were genuinely

²⁹ Introductory remarks, Dunant, A Memory of Solferino, 9.

sickened by the situation he had witnessed.³⁰ Perhaps most shocking was Dunant's assertion that such occurrences were by no means unusual. The fate of the wounded men of Solferino was not unique. There was widespread agreement that such conditions were not fit for animals, let alone human beings. Dunant wrote that the Italian women that he enlisted to assist him in tending the wounded said, "Tutti fratelli" ("They are all brothers"), indicating a concern for all victims of war, regardless of nationality. It was in this spirit that Dunant wrote his Memory, and it was to this sentiment which so many readers of his book responded. Almost overnight, Dunant became a moral hero.³¹

Ignatieff notes that Dunant's encounter with war and death in Solferino did not seem to make him a pacifist, and it is perhaps precisely because its roots lay in the reality of human conflict that Dunant's book was well-received.³² At no point in his Memory does Dunant suggest that war can or should be stopped. Rather, he accepts war as inevitable, and as a normal extension of human experience. When he looked to the future, he saw newer weapons, more destructive capabilities, and battles of longer duration with a greater number of victims. He wrote that, "...it appears likely...that future battles will only become more and more murderous."³³ He argued that it was this inevitable reality which must be dealt with, and he concluded that human beings must

³⁰ Information Pamphlet, ICRC.

³¹ Information pamphlet, ICRC.

³² Ignatieff, "Unarmed Warriors," 54.

³³ Dunant, *A Memory of Solferino*, 128.

become responsible for the future of all, and that it should be the duty of all states to alleviate the horror of war.

Gustave Moynier, a lawyer who was also the President of the Geneva Public Welfare Society, was sickened by the suffering witnessed by Dunant in Italy, yet he was also inspired by Dunant's concern for the future victims of war. He proposed that Dunant meet the other members of the Society to talk about his experiences, and about possible action that could be undertaken to aid victims. Dunant agreed readily.³⁴

At the meeting, a five-member Committee was set up, comprised of Dunant, Moynier, and three other Swiss citizens. They met for the first time on February 17, 1863, and adopted the name: "International Committee for Relief to the Wounded". They were dedicated to assisting the victims of war in any way possible. Their goal was to preserve some humanity in war, and to ensure that all victims of war were given medical care, and a sanitary, safe place where they could recover.³⁵ They emphasised the notion of "tutti fratelli",³⁶ and encouraged a sense of universal duty to all who suffer. This was the beginning of the International Red Cross Movement.

The 1864 Geneva Convention

Over the next year, the five members worked with the Swiss government to organize an international conference which, in August of 1864, brought together in

³⁴ Information pamphlet, ICRC.

³⁵ Information pamphlet, ICRC.

³⁶"They are all brothers." Quoted in Dunant, *A Memory of Solferino*, 5.

Geneva the representatives of sixteen states.³⁷ The purpose of the meeting was to discuss and agree on improvements to be made to medical services during the course of battle.³⁸

At the Conference, Dunant proposed that some international principle be established, sanctioned by a Convention inviolate in character, which, once agreed upon and ratified, would constitute the basis for societies for relief of the wounded.³⁹ He argued further that societies be established, consisting of a group of volunteers who would be responsible for aiding soldiers injured in warfare. The "Committee of Five" offered to set up national societies, facilitate their work, and act as intermediary in the event of war. Dunant pointed out that such a Convention would allow the Committee and societies greater access to victims of war, and would improve the medical care available to all wounded parties.⁴⁰

The sixteen states present agreed that such a document should exist, and at the 1864 Conference, drew up the "Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field". It was signed on the spot by twelve

³⁷ The sixteen states present included: Baden, Belgium, Denmark, France, Great Britain, Hesse, Italy, Netherlands, Portugal, Prussia, Spain, Switzerland, the USA, and Wurtemberg. See Clive Perry, ed., *The Consolidated Treaty Series: 1864* Volume 129 (New York: Oceana Publications, 1969). The last two states that were present at the 1864 Geneva Convention are not listed in the document.

³⁸ Ignatieff, "Unarmed Warriors," 54.

³⁹ Concluding remarks, Dunant, *A Memory of Solferino*, 129.

⁴⁰ Concluding remarks, Dunant, *A Memory of Solferino*, 131.

states, and open to accession by the other four.⁴¹

The Convention largely reflected the concerns voiced by the five-member Committee at their first meeting in 1863, and consisted of two major principles. First, the Convention stated that all wounded or ill combatants had to be cared for, regardless of their nationality. Once a soldier was wounded, he ceased to be a threat, and was therefore no longer a combatant. Enemy combatants had to respect the injured status of such individuals, and could not injure them further. This was not a new idea, it had been present in the customary laws of war for centuries.⁴² The history of customary humanitarian law will be discussed below.

The second major principle of the 1864 Geneva Convention was a new idea. The 1864 conference marked the birth of the Red Cross as an institution. The five member Committee took the title: "International Committee of the Red Cross" (the "ICRC"), and also took the responsibility of providing medical services to wounded soldiers. The sixteen states present agreed to protect and assist the ICRC in fulfilling its humanitarian work upon the field of battle.⁴³

The formation of the ICRC was not challenged by outside parties; the difficulty arose, however, when it was proposed that all ICRC workers be recognised as neutral.⁴⁴ ICRC workers had to achieve this status in order to gain the trust and respect

⁴¹ Geoffrey Best, *Humanity in Warfare: The Modern History of the International Law of Armed Conflicts* (London: Methuen & Co. Ltd., 1983), 151.

⁴² Best, *Humanity in Warfare*, 150.

⁴³ Information pamphlet, ICRC.

⁴⁴ Best, *Humanity in Warfare*, 150.

of all combatants, and in order to not be targeted and harmed themselves. No harm could befall an ICRC worker, otherwise all victims of war would suffer. This was the second major principle of the Convention, and it proved to be controversial because, as pointed out by Best, it "proclaimed the supremacy of the humanitarian ideal and purpose above immediate military considerations and intruded boldly into the military's normal territory."⁴⁵

The conference also adopted a distinctive sign to be worn by those assisting the wounded: a red cross on a white ground. This sign was the Swiss flag with the colours reversed, and it was a tribute to Dunant as the father of the humanitarian movement. This symbol would identify and protect those who represented the principle of humanity in warfare; those who wore the red cross on an armband were to be seen as neutral non-combatants, divorced from the conflict.⁴⁶ Also, any injured combatants or civilians would recognise the red cross as a symbol of protection and neutrality.

This first Geneva Convention was the beginning of what is now known as modern international humanitarian law. It was the first real, international codification of standards of behaviour in war, and for that reason it was unique. It created the necessary conditions for the beginning of international humanitarian law by pointing out that humanitarian action had to be coherent, international, permanent, modern, universally applicable and known to everyone.⁴⁷ The Lieber Code (to be discussed

⁴⁵ Best, *Humanity in Warfare*, 150.

⁴⁶ Concluding remarks, Dunant, *A Memory of Solferino*, 131.

⁴⁷ Information booklet, ICRC.

further below), was written in 1863, the year before the first Geneva Convention was drafted, but it was written specifically for the American Civil War, and was not intended for use in international conflicts.⁴⁸ It therefore had limited scope. Although the writers of the 1864 Geneva Convention did refer to Lieber's work when drafting the Convention,⁴⁹ they aimed to address all wars, everywhere, and at all times. In this way, the 1864 Geneva Convention was distinct from the Lieber Code.

International humanitarian law, however, has a long history, which began many years before the 1864 Conference. Humanitarian law did not originate with the ICRC's inception, nor was Henri Dunant the first individual to recognise the necessity of such law, nor was he the first to attempt to bring order into the chaos of conflict. The Geneva Convention was the culmination of many years of humanitarian concerns and debates. There were many pressures and developments that made a codified international humanitarian standard necessary and desirable. This thesis will now trace the history of international humanitarian law, and illustrate how and why the 1864 Geneva Convention came to be.

The History of International Humanitarian Law

Humanitarian law, as codified and understood at present, evolved primarily from

⁴⁸ **Instructions for the Government of Armies in the Field, 24 April 1863, prepared by Francis Lieber during the American Civil War, and promulgated by President Lincoln as General Orders No. 100. Reproduced in *The Laws of Armed Conflicts*, ed. Schindler and Toman (Dordrecht: Martinus Nijhoff Publishers, 1988).**

⁴⁹ **Geoffrey Best, "Restraints on War by Land Before 1945," in *Restraints on War: Studies in the Limitation of Armed Conflict*. ed. Michael Howard (London: Oxford University Press, 1979), 20-21.**

two medieval sources: Christian ethics, and traditional chivalry.

Bailey writes that, "Almost all Christian writers before the fourth century took it for granted that service in the army was incompatible with Christian principles."⁵⁰ Bailey quotes Tertullian, who wrote: "The Lord...in disarming Peter, unbelted every soldier."⁵¹ Early Christianity was a pacifist religion, with very high moral expectations of its followers. It is therefore an example of *jus contra bellum*.⁵² The Church demanded that the gospel be taken literally, and that the faithful be merciful, forgiving, tolerant, and peaceful. The apostle Paul wrote to the Romans:

Be kindly affectioned one to another with brotherly love...Given to hospitality...Bless them which persecute you: bless, and curse not...Recompensate to no man evil for evil...If it be possible, as much as lieth in you, live peaceably with all men...Therefore if thine enemy hunger, feed him; if he thirst, give him drink...Be not overcome with evil, but overcome evil with good. ⁵³

It is this spirit which modern humanitarian law attempts to capture and embody.

Although later, in the fourth century, Christianity became a justification and a catalyst for violence between states and religious groups, originally it strongly condemned war. It was not until Caesar became a Christian in the early fourth century, and Augustine's

⁵⁰ Sydney R. Bailey, *Prohibitions and Restraints in War* (London: Oxford University Press, 1972), 2.

⁵¹ Tertullian, *De Idolatria*. Quoted in Bailey, *Prohibitions and Restraints in War*, 2.

⁵² The translation is: "prohibition on the use of force", or "to forbid the use of force." Allan Rosas and Par Stenback, "The Frontiers of International Humanitarian Law," *Journal of Peace Research* 24 (1987): 219.

⁵³ The Holy Bible, Old and New Testaments. King James Version. The Epistle of Paul the Apostle to the Romans: Chapter 12: Verses 10, 13, 14, 17, 18, 20, 21.

writings (354-430), that the concept of a "Just War", and killing at God's command became an acceptable religious doctrine.⁵⁴

In Western European civilization, the notions of mercy and charity to the weak, therefore, originate in the Judeo-Christian religious tradition.⁵⁵ Although it is true that religion lost its pacifist nature, when this occurred, writers at the time stipulated stringent codes of conduct and ethical behaviour to be observed during a conflict. These rules of conduct were termed the Just War doctrine, and exemplified *jus in bello*, which is the philosophy reflected in modern international humanitarian law.⁵⁶ One example of Just War doctrine was that it was unlawful, and morally wrong, to kill the innocent.⁵⁷ A modern equivalent of this law is the 1949 Geneva Conventions' distinction between combatants and non-combatants, and the recognition that civilians require legal protection from harm, due to their weaker status in war.⁵⁸

The second source of modern humanitarian law was traditional chivalry. Until the nineteenth century, war was a rich gentleman's "game", and there was general agreement concerning the "rules" of the game. To behave inappropriately was

⁵⁴ Bailey, *Prohibitions and Restraints in War*, 3-7.

⁵⁵ L. Oppenheim, *International Law, Volume II, Disputes, War and Neutrality*, Seventh edition (London: Longmans and Green, 1952), 226-227.

⁵⁶ *Jus in bello* means "the law of war." Rosas and Stenback, "The Frontiers of International Humanitarian Law,": 219.

⁵⁷ Vitoria, *De Indis*. Quoted in Bailey, *Prohibitions and Restraints in War*, 12.

⁵⁸ Adam Roberts and Richard Guelff, *Documents on the Laws of War* (Oxford: Clarendon Press, 1982), 272-282.

uncivilized, and this was enough to control the behaviour of the combatants. M.H. Keen writes that, "Rank can indeed foster in a class a sense of obligation."⁶⁰ Most of the men in conflict were wealthy, educated, and had been born into families where at least one older member had been involved in direct conflict; appropriate behaviour was in this way passed down through stories, and absorbed through tradition.⁶⁰ In this way there existed a customary law of war.

All societies have some form of implicit rules that govern behaviour from the time that hostilities arise, and war breaks out.⁶¹ As noted by Pictet, most societies have also had a system in place to punish those who chose to break the rules imposed during a time of war.⁶² For example, truces became extremely important in the twelfth century, when the English and French were engaged in almost constant battle.⁶³ During a "Truce of God", all hostilities ceased when the white flag was flown, so that the wounded could be cared for and moved, or so that some negotiations might take place. Truces have remained a central aspect of humanitarian law and the laws of war.

⁶⁰ M.H. Keen. *The Laws of War in the Late Middle Ages* (Toronto: University of Toronto Press, 1965), 243.

⁶⁰ L. Oppenheim, *International Law, Volume II*, 226-227.

⁶¹ For example, voluntary treaties, Truces of God, protection of civilians, and written-safe conducts. For a detailed examination of these, and other, examples of specific rules to control behaviour during war, please refer to M.H. Keen, *The Laws of War in the Late Middle Ages*, especially Chapters 8 and 11.

⁶² For an historical overview of humanitarian law before the turn of the nineteenth century, see Jean Pictet, *Development and Principles of International Humanitarian Law* (Geneva: Henry Dunant Institute, 1985).

⁶³ Keen, *The Laws of War in the Late Middle Ages*, 207-208.

Article 32 of the 1907 Hague Convention IV reads thus:

A person is regarded as a parlementaire who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.⁶⁴

As well, across history, attempts have been made to control the types of weapons used in warfare. Roberts and Guelff write, for example, that the Greeks and Romans agreed that the use of poison or poisoned weapons was strictly prohibited; it was customary law to observe such a restriction. During the Middle Ages, the crossbow was deemed an "unchristian" weapon, and its use was forbidden.⁶⁵

At times, restrictions on behaviour and the use of particular weaponry have been codified. Groups in conflict have traditionally signed an agreement to constrain the acts committed in the course of the violence. However, belligerents would sign a treaty containing only a few humanitarian clauses, at best. The agreement reached was only valid for the duration of the particular battle, to the one time and place, between the two particular rival groups. It was therefore severely limited in scope as an international treaty or standard.⁶⁶

An example of such a treaty is siege warfare, which was very common in the fifteenth century during the Hundred Years War. Due to the imposing walls of the fifteenth-century fortresses, it was difficult for the invading forces to gain access without

⁶⁴ Roberts and Guelff, *Documents on the Laws of War*, 54.

⁶⁵ Roberts and Guelff, *Documents on the Laws of War*, 29.

⁶⁶ Information booklet, ICRC.

slaughtering every person guarding the castle or fortress. This was deemed uncivilized conduct, and it was often agreed that if an invading army had reached the fortress walls, then a summons to surrender was drawn up by the invading commander. This summons was in reality a treaty, and it outlined the conditions for surrender. One condition was often the right of the victorious army to seize the fortress, the citadel, and the villages nearby.⁶⁷

In exchange for the defending forces' voluntary surrender, the invading army agreed in the treaty to not injure or kill the soldiers, nor to harm any of the villagers. However, if the army guarding the fortress refused to surrender, then the treaty also specified what the consequences of such a decision would be.⁶⁸ In this way, the treaty was a warning, and it encouraged peaceful surrender, which was thought to be a preferable outcome, compared to the slaughter of hundreds, or even thousands.

In the nineteenth century, wars ceased to be limited in scope and participants. It was at this time that battles grew in size, and more combatants were needed. The traditional, professional, educated combatants were not numerous enough to meet the need, and therefore necessity demanded that soldiers be recruited from outside of the upper classes. Also at this time, soldiering became a legitimate way to earn a living, and men from both the upper and lower classes wanted to work as soldiers.⁶⁹

As a result of these changes, suddenly, wars were waged by national armies,

⁶⁷ Keen, *The Laws of War in the Late Middle Ages*, 119-121.

⁶⁸ Keen, *The Laws of War in the Late Middle Ages*, 120.

⁶⁹ Keen, *The Laws of War in the Late Middle Ages*, 245.

largely comprised of individuals from the working and lower classes. These individuals were unaware of the customary law of basic respect for humanity during conflict, and although attempts were made to teach and train them, when hostilities commenced, these men were usually unable to remain faithful to the law.⁷⁰ There was great tension between military needs and activities, and humanitarian concerns.

Perhaps the best illustration of this difficulty is the American Civil War. In an attempt to instruct the combatants on the laws of proper behaviour, the Lieber Code was written in 1863. The Code drew heavily from the philosophy of customary humanitarian law. Lieber balanced a military environment of violence and conflict with humanitarian issues, which were largely foreign to many of the men involved. As a result, the Code was very detailed, and emphasised customary humanitarian law in a simplified manner. For example, in Article 16 of the Code, "military necessity" is defined as follows: "Military necessity does not admit of cruelty - that is, the infliction of suffering for the sake of suffering, or for revenge, nor of maiming or wounding except in fight, nor of torture..."⁷¹ The men were, therefore, not to sacrifice humanitarian standards in the name of violence, and deem it military necessity.

Another difficulty encountered by soldiers and humanitarian thinkers in the late nineteenth century was the development of more destructive and lethal weapons. In

⁷⁰ For a good summary of this challenge to customary law, see Bailey, *Prohibitions and Restraints in War*, Chapter 1.

⁷¹ *Instructions for the Government of Armies in the Field*, 24 April 1863, prepared by Francis Lieber during the American Civil War, and promulgated by President Lincoln as General Orders No. 100. Reproduced in *The Laws of Armed Conflicts*, ed. Schindler and Toman (Dordrecht: Martinus Nijhoff Publishers, 1988).

1863, the bullet was introduced in warfare for the first time; the Imperial Russian Army used it to detonate their opponents' ammunition wagons. It was feared that such a weapon could develop into something even more menacing and dangerous, and there was great international concern that its usage be terminated.⁷²

Therefore, when the sixteen states met in 1864, there were considerable pressures and fears concerning the future of war. Lieber's Code was a good beginning, but it did not address all issues, such as new weapons, nor was it applicable to international wars. Ignatieff writes that Dunant's proposal for an international humanitarian standard was motivated by his ability to see that he was, "living between two ages: the age of chivalry and the new age of the machine gun."⁷³ He must have also realised that he was living between the age of the traditional soldier, restrained and respectful of humanitarian concerns, and the new combatant, ignorant or uncaring of restrictions on violence in conflict. The 1864 Geneva Convention was an attempt to resurrect and preserve the customary law of military activity during warfare. It was an attempt to maintain the best of humanity in war, and of not allowing violence to go unchecked. It focused on the needs of all combatants. By improving medical services, and having the presence of a neutral body on the battlefield, it was hoped that humanitarian concerns would gain a place of recognition and importance on the field of battle. As discussed by Best, humanitarian ideals attempted to assert a significant

⁷² Roberts and Guelff, *Documents on the Laws of War*, 29.

⁷³ Ignatieff, "Unarmed Warriors," 54.

presence during military hostilities.⁷⁴ Unfortunately, this was not widely or warmly received by members of the military. ICRC workers on the field were, in many ways, obstacles to military strategies. Their presence was at best barely tolerated, and at worst resented. It was observed that the Red Cross emblem was abused shamelessly by those who robbed the dead and dying on the field of battle. The military wanted the Convention to be clearly defined, and it wanted the authority of the military "unmistakably restored."⁷⁵

Perhaps the 1864 Geneva Convention was overly optimistic and ambitious. In reality, the situation upon the battlefield worsened considerably, and several unforeseen problems and weaknesses had become obvious over time. The Convention was not enough in itself, and very soon, it became evident that other conferences and documents were needed, both to support and supplement the Geneva Convention of 1864.

In 1906, a second Geneva Convention was drafted, and it was made clear that neutral emergency personnel upon the field of battle would be able to carry out their humanitarian duties "so far as military exigencies permit."⁷⁶ In no way were humanitarian activities permitted to disrupt or inconvenience the military when engaged in war. The first two Geneva Conventions were therefore impeded from fulfilling their complete potential as pieces of humanitarian documentation by military necessity.

⁷⁴ Best, *Humanity in Warfare*, 150.

⁷⁵ Best, *Humanity in Warfare*, 152.

⁷⁶ Best, *Humanity in Warfare*, 153.

The 1899 and 1907 Hague Conventions

The 1864 and 1906 Geneva Conventions primarily focused upon two things. First, they were concerned with the medical treatment of combatants once injured and off the battlefield. Second, they outlined the role of neutral humanitarian actors. They were silent, however, regarding the actions of soldiers when engaged in battle. Traditionally, combatants knew what was an accepted act of war or aggression, and what went beyond the point of being acceptable. However, as discussed, customary law in warfare was not always understood by soldiers in modern conflict, and they often committed atrocities against other combatants. The Hague Conventions attempted to deal with this situation.

In 1899, the first Hague Convention was drafted, consisting of three Declarations. This Convention was important because it was the first successful attempt of the international community to agree upon, and codify, a document which governed the laws of land warfare.⁷⁷ The 1907 Convention attempted to supplement its precursor by codifying thirteen additional Declarations.⁷⁸ Both the 1899 and 1907 Hague Conventions focused on the laws of warfare; essentially, they outlined what combatants could or could not do in battle. Although many rules of war are present in the Hague Conventions, for the purpose of this thesis, the most relevant declarations will be examined, specifically those concerning the role of the ICRC.

In the 1899 Convention, an emphasis was placed upon controlling weaponry

⁷⁷ Michael Akehurst. *A Modern Introduction to International Law* (New York: Routledge, 1991), 271.

⁷⁸ Akehurst, *A Modern Introduction to International Law*, 271.

used in conflict. For example, the Convention's Declaration 2 prohibited the use of projectiles that defused asphyxiating gases. Declaration 3 focused on the dum dum bullet, an expanding bullet which caused unprecedented damage when it struck the human body. The attempt to control weapons of war was not a new idea; such attempts are present in customary law.⁷⁹ Traditionally, prohibition of both gas warfare and instruments that caused excessive harm to combatants were of great concern to military leaders and combatants.⁸⁰

For the ICRC, the focus of the Hague Convention on curbing the use of weaponry was important in three ways. First, it complemented the work of the ICRC and supplemented the 1864 Geneva Convention. Humanitarian concerns were central in both Hague Declarations, and this was compatible with ICRC goals. Second, it was hoped that more control of the weapons used in warfare would lessen the injuries sustained by combatants, thereby alleviating human suffering. Finally, it must be pointed out that the safety of ICRC workers on the field of battle was a concern, and if weaponry in warfare was uncontrolled, there was greater potential of harm to workers. If ICRC personnel were injured or killed, this would negatively affect the organization's overall performance and ability.⁸¹ The 1899 Convention therefore strengthened and supported the Geneva Conventions concerning humanitarian activity, and safeguarded

⁷⁹ For example, as discussed in this chapter earlier, the Greeks and Romans prohibited the use of poisoned gas, and the crossbow was forbidden in the Middle Ages.

⁸⁰ Roberts and Guelff, *Documents on the Laws of War*, 39.

⁸¹ Best, *Humanity in Warfare*, 150-151.

ICRC safety and activity.

Of the thirteen Hague Convention Declarations passed in 1907, two were of particular importance for the ICRC directly. First, the "Regulations Annexed to the 1907 Hague Convention IV Respecting the Laws and Customs of War on Land", and second, the "1907 Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land".

The Regulations Annexed to the 1907 Hague Convention IV was the first detailed and codified legal document that outlined the qualifications to be met to achieve the status of a belligerent. In Article 1, the Convention listed four conditions which a person must fulfil in order to be considered a legal belligerent, and be awarded duties and rights under the Convention.⁴² These conditions were important because it clearly stated in Articles 4 through 20 inclusive, that if individuals who met these conditions were captured during hostilities, they had to be treated according to the laws outlined in the Geneva and Hague Conventions.⁴³

Such status also guaranteed the combatant medical treatment and humanitarian aid if wounded or ill. The following was written in Article 21 of the Regulations Annexed to the 1907 Hague Convention IV: "The obligations of belligerents with regard to the sick and wounded are governed by the Geneva

⁴² The conditions are: (a) that of being commanded by a person responsible for his subordinates; (b) having a fixed distinctive sign recognizable at a distance; (c) carrying arms openly; and (d) conducting operations in accordance with the laws and customs of war. See Roberts and Guelff, Documents on the Laws of War, 48.

⁴³ Roberts and Guelff, Documents on the Laws of War, 48-52.

Convention."⁶⁴ This was a reference to the 1906 Geneva Convention, and was of great importance to the ICRC, the single humanitarian aid organization active during warfare. This reaffirmed and strengthened its role as a legitimate humanitarian actor, albeit in an indirect manner. Once it was recognised that all wounded combatants were legally entitled to medical assistance, then it was also legally recognised that the ICRC was to provide that aid. Although the ICRC was not specifically named as a provider of medical and humanitarian aid, this was understood to be the case, simply because there was no other organization undertaking medical assistance.⁶⁵

Another aspect of the Fourth 1907 Convention that was of special importance to the ICRC was Article 23, subsection (f): "...it is especially forbidden to make improper use of...the distinctive badges of the Geneva Convention."⁶⁶ This referred to the symbol of the Red Cross, and the neutrality accorded to individuals wearing this emblem when engaged in humanitarian aid. Forbidding the abuse of the Red Cross symbol in both the Geneva and Hague Conventions indicated its importance.

The 1907 Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land was drafted with neutral Powers and persons specifically in mind. Again, this was to the benefit of the ICRC. States were traditionally referred to as "neutral Powers", but the wording of the Convention allowed for a degree of flexibility and freedom. For example, Article 11 stated that: "A neutral

⁶⁴ Roberts and Guelff, *Documents on the Laws of War*, 52.

⁶⁵ Best, *Humanity in Warfare*, 150-155.

⁶⁶ Roberts and Guelff, *Documents on the Laws of War*, 52.

Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war." Article 14 then stated that a neutral Power "may authorize the passage...of the sick and wounded belonging to the belligerent armies...The sick or wounded...must be guarded by the neutral Power..." Further, Article 15 went on to declare that: "The Geneva Convention applies to sick and wounded interned in neutral territory."⁴⁷

By referring to the 1906 Geneva Convention, the Hague Convention once again supported the ICRC as an active member in providing aid and relief during conflict. Therefore, although the ICRC was not explicitly named in either of these Hague Conventions, it was understood that the role of the organization was approved, supported, and protected by them. Further, it was implied that the ICRC could play the role of a neutral Power, aiding the sick and wounded.

The powers accorded to the ICRC as a neutral humanitarian organization were therefore augmented and codified. This international support was extremely encouraging for the ICRC, whose members hoped that this was an indication that conflict need not be uncontrolled, brutal violence, and that the laws of war would indeed prevail. The 1907 Hague Conventions were signed by forty-four states. Best writes that this dramatic increase from the twelve states that signed the 1864 Geneva Convention was a result of increased international violence, more destructive weapons, and the internationalization of humanitarian concerns. The ICRC believed that the support for the 1907 Hague Convention indicated that international humanitarian law

⁴⁷ Roberts and Guelff, Documents on the Laws of War, 64-65.

was becoming more accepted.⁸⁸

Again, however, the ICRC was perhaps too optimistic. In the First and Second World Wars, the laws of warfare as outlined in the Geneva Conventions and the Hague Conventions were blatantly ignored.⁸⁹ Weapons continued to develop, and thus became increasingly destructive to human life. The Vatican Council met in 1948, and discussed the weapons of mass destruction that were being stored in the armouries of several nations. The Vatican Council wrote that, if the world's weapons were utilized to their full extent, then:

....an almost total and altogether reciprocal slaughter of each side by the other would follow, not to mention the widespread devastation which would take place in the world and the deadly aftereffects which would be spawned by these weapons. All these considerations compel us to undertake an evaluation of war with an entirely new attitude.⁹⁰

The ICRC also noted the increased usage of "blind" weapons, weapons which not only cause massive destruction, but also "do not allow of precision against specific targets or have such wide-spread effect, in time and place as to be uncontrollable."⁹¹ The ICRC called attention to the difficulty blind weapons presented in ensuring and

⁸⁸ Best, *Humanity in Warfare*, 287.

⁸⁹ For a discussion about war crimes, such as genocide, see Bailey, *Prohibitions and Restraints in War*, 38-53.

⁹⁰ *First Assembly of the World Council of Churches*, ed. Visser 't Hooft (London, 1949), 89.

⁹¹ "Memo of Protection", Annex 2 of the ICRC's "Reaffirmation and Development of the Humanitarian Laws and Customs applicable in Armed Conflicts" (Geneva: ICRC Publishers, 1969), 12.

maintaining immunity and protection for civilians.⁸² There was more suffering being experienced by combatants, and non-combatants, due to modern advances in weapons warfare.

Therefore, it became evident to ICRC workers on the battlefield that the number of wounded and killed civilians was increasing at a rapid rate.⁸³ The suffering caused by modern warfare was therefore increasingly far-reaching, and no longer contained on the field of battle.⁸⁴ Michael Howard writes:

...the lesson (learned by the military) was clear. If the centre of enemy power lies, not in his armed forces, but in his civilian population, then that population must be attacked directly...It must be starved and enfeebled by blockade. It must be remorselessly bombed from the air. Its morale must be undermined to a point where its capacity for armed resistance is fatally weakened. Only then, with swift armoured thrusts, can the coup de grace be delivered.⁸⁵

As a result of these events, the international community realized that the documents on the laws of war had to be supplemented. After the First World War the ICRC argued that new laws be developed, focusing particularly on the protection of civilians prisoners of war, and the codification of an international neutral body to be

⁸² "Questionnaire on the Protection of the Civilian Population against the Dangers arising from Hostilities," (Document 1157, ICRC Records, 1970), 2.

⁸³ Bailey, *Prohibitions and Restraints in War*, 77-78.

⁸⁴ For an overview of the failure of Hague law to deal with these problems, see Jacques Meurant, "*Inter Arma Caritas: Evolution and Nature of International Humanitarian Law*," *Journal of Peace Research* 24 (1987): 237-247.

⁸⁵ Michael Howard, *Studies in War and Peace* (New York: The Viking Press, 1959), 108-109.

present in conflict.⁹⁶ However, there was not yet sufficient international political will to do so. States especially did not want to be responsible for non-combatants, and avoided inclusion of such a commitment in the documents of war.⁹⁷

Things changed, however, following the Second World War. At that time, nobody questioned the need to codify civilian protection into the laws of warfare. Draper argues that the Second World War scarred both the survivors of the war and the governments. Although most injured persons were belligerents, the:

scale of loss of life and suffering among the civilian population achieved gargantuan proportions. This arose...from the deliberate extermination of ethnic groups, accompanied by the barbarous treatment of detained civilians by the...Third Reich.⁹⁸

Draper further writes that when the war ended, the full account of human suffering was taken, and the laws of war were found to be defective in several respects. A neutral Power was urgently needed, and the rules protecting civilians and prisoners of war were inadequate. The 1949 Geneva Conventions attempted to correct these three major flaws.

Concurrent with the increased regulation of interstate warfare, another form of conflict was becoming more frequent and more violent, thereby indicating another aspect of international humanitarian law that was lacking. As discussed by Best, some of the most destructive examples of conflict from the turn of the century were cases of

⁹⁶ Bailey, *Prohibitions and Restraint in War*, 81.

⁹⁷ Best, *Humanity in Warfare*, 287.

⁹⁸ G.I.A.D. Draper, "Humanitarianism in the Modern Law of Armed Conflicts," *International Relations* 11 (December, 1992): 246.

civil war. None of the Geneva or Hague Conventions were applicable in civil or "internal" conflict, they were focused solely on regulation of international conflicts. The ICRC argued that the law of war had to accommodate such instances, and that belligerents fighting in a civil war had to be entitled to all rights and duties under international humanitarian law.⁹⁹ The 1949 Conventions therefore also had to deal with the problem of civil war.

Due to its unique role in conflict, the ICRC was more aware of the reality of war than most state officials. For this reason, it was asked by the United Nations to draft the 1949 Geneva Conventions, and to ensure that the weaknesses mentioned above were corrected. This allowed the ICRC an unexpected amount of freedom to influence and shape international humanitarian law, and gave the organization the opportunity to codify its own role for the first time since its inception.

The 1949 Geneva Conventions

(1) The ICRC as a Neutral Humanitarian Actor

As Meurant notes, perhaps the weakest aspect of the law of the Hague was evident at the level of supervision. The enforcement of humanitarian expectations and laws during military operations and warfare was difficult unless a recognised humanitarian body had the power to do so. No third party or special organization had been named explicitly and given any significant humanitarian role.¹⁰⁰

Although the ICRC was present and active in international wars until 1949, in

⁹⁹ Best, *Humanity in Warfare*, 298-299.

¹⁰⁰ Meurant, "*Inter Arma Caritas*," 241.

reality it was only in attendance when the belligerent states allowed it to be. There was no codification of its role as an humanitarian actor, and there was no formal recognition of its activity, although there was general agreement that it had a part to play. The ICRC had done its best, but it was dependent upon the consent of the belligerents. It therefore had no independent right to enter POW or concentration camps.¹⁰¹ Legally, the ICRC was in limbo, and the organization demanded clarification, recognition, and codification of its role.¹⁰²

For the ICRC, the 1949 Geneva Conventions were unique documents in many ways. For example, 1949 was the first time that the ICRC was recognised as a legitimate humanitarian actor by the laws of war. Article 3(2) of the "1949 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field" stated that: "An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict."¹⁰³ The position of this paper is that this article implied two things: first, by using the term "impartial", the ICRC's demands to be considered neutral were formally supported by the international community. Second, the word "humanitarian" gave the ICRC special status as an actor, and further legitimised its presence in conflict.

(2) The ICRC and the Protection of Civilians

Aronson writes that, "The paramount importance of international humanitarian

¹⁰¹ Draper, "Humanitarianism in the Modern Law of Armed Conflicts,": 246-247.

¹⁰² Draper, "Humanitarianism in the Modern Law of Armed Conflicts,": 247.

¹⁰³ Roberts and Guelff, *Documents on the Laws of War*, 172.

law in relation to the protection of civilians during armed conflict throughout the world can be understood from...the International Red Cross and Red Crescent Movements."¹⁰⁴ In the 1949 Geneva Conventions, the ICRC attempted to provide and protect medical activities for injured civilians, and guarantee civilians rights under international law.¹⁰⁵ For example, Article 10 of the "1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War" granted rights to civilians, and also gave the ICRC a great deal of freedom in its activities: "The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross...may...undertake for the protection of civilian persons and for their relief."¹⁰⁶ In this way, emphasis was placed on assistance to civilians, and the precedence that the ICRC took over belligerent activities during the course of conflict.

Another important article was Article 18, which stated that all civilian hospitals were to be marked by the emblem of the Red Cross. The Red Cross emblem would thereby indicate to all combatants and non-combatants that such areas were neutral, and protected. It was unlawful for belligerents to attack, or harm in any way, the workers or patients within that neutral space.¹⁰⁷ In this way, the Red Cross became a

¹⁰⁴ Michael Aronson, "Protection of Civilians in the Modern Law of International Armed Conflict," 219-237.

¹⁰⁵ Louise Doswald-Beck, "The Civilian in the Crossfire," *Journal of Peace Research* 24 (1987): 254-255.

¹⁰⁶ Roberts and Guelff, 276.

¹⁰⁷ Roberts and Guelff, 279.

symbol of peace and protection for combatants and civilians alike. A safe zone was established for injured non-combatants, and ensured that they received protected status.

Additionally, Article 59 of the 1949 Geneva Convention V stated that the ICRC would be responsible for providing aid to civilians in conflict, including "foodstuffs, medical supplies, and clothing."¹⁰⁸ This article therefore lent support to the ICRC, strengthening its position as an humanitarian actor, and also gave greater protection to civilians. Article 59 guaranteed that basic needs and rights of civilians were met in times of conflict.

(3) The Role of the ICRC Concerning Prisoners of War

The ICRC has traditionally deemed the question of prisoners of war (POWs) to be particularly important.¹⁰⁹ Although customary law demanded that POWs be treated humanely by their captors, it was not until 1949 that an extensive list of obligations to be met by those detaining POWs was compiled. The formal codification of the rights of prisoners was largely motivated by the treatment of the prisoners in work and concentration camps during the Second World War.¹¹⁰

In the "1949 Geneva Convention III Relative to the Treatment of Prisoners of War", Articles 25 through 42, respectively, outlined the living conditions which had to be

¹⁰⁸ Roberts and Guelff, 172.

¹⁰⁹ Jean-Luc Blondel, "Getting Access to the Victims: Role and Activities of the ICRC," *Journal of Peace Research* 24 (1987): 307-313; also J.D. Armstrong, "The International Committee of the Red Cross and Political Prisoners," *International Organization* 39 (autumn 1985): 615-642.

¹¹⁰ Roberts and Guelff, 215.

met by the camp authorities. Basic needs such as quarters, food, clothing, and medical attention had to be provided for POWs. Personal hygiene was important, and the prisoners had to be allowed access to showers, clean facilities, and washrooms. Also, all POWs were to be allowed religious and intellectual freedom, as well as daily physical exercise.¹¹¹ Articles 49 through 57 stated that prisoners could be ordered to labour, however, the labour was restricted. At all times, POWs had to be treated humanely (Article 13).

The ICRC's main concern in drafting the 1949 Geneva Conventions was how to enforce the duties of the detaining power, and how to ensure that such conditions were being met. Supervision was required, and visits had to be made to allow outside groups to observe the standards in place at the camps and facilities. The 1949 Geneva Convention III, therefore, stated in Article 56 that: "The camp commander shall keep an up-to-date record (of his camp), and shall communicate it to...the International Committee of the Red Cross...who may visit the camp."¹¹² Additionally, Article 126 ran thus:

Representatives or delegates...shall have permission to go to all places where prisoners of war may be, particularly to all places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war...They shall be able to interview the prisoners...without witnesses...¹¹³

The article further stated that the duration and frequency of the visits could not be

¹¹¹ Roberts and Guelff, 227-232.

¹¹² Roberts and Guelff, 237.

¹¹³ Roberts and Guelff, 266.

restricted by the prison authorities, and that the visitor or interviewer could select the places they wanted to visit. Finally, and most importantly for the ICRC, Article 126 concluded that delegates of the ICRC enjoyed the same privileges as those of state delegates described above in Article 126. This solidified the role of the ICRC in determining that POWs were treated in a humane manner, and that all conditions as outlined in the Geneva Conventions were met.

(4) The ICRC in Civil War

International legal scholars regard the third Article common to all four 1949 Geneva Conventions as the biggest innovation of the entire document, with the greatest potential and most wide-reaching implications.¹¹⁴ Article 3 extended a simplified summary of the Conventions to "armed conflict not of an international character."¹¹⁵ The ICRC had argued for many years that civil wars were becoming more prevalent and violent, and that the international law of war should be extended to include such conflict. Article 3 thereby ensured that victims of civil war were accorded the same rights and duties placed upon belligerents engaged in wars between states. Combatants in such conflicts could receive medical assistance, civilians in states torn apart internally were granted protection, and POWs detained by their own state authorities were legally entitled to request visits from a third party. Additionally, certain standards had to be maintained by the detaining authorities within work and concentration camps.

¹¹⁴ Best, *Humanity in Warfare*, 298.

¹¹⁵ Roberts and Guelff, 172.

The role of the ICRC in civil conflict was confirmed in Article 3(2), when the organization is specifically named as a humanitarian actor who may be requested to assist victims of non-international war. In this way, the article "unlocked a door through which the ICRC might, with encouragement, pass."¹¹⁶ This increased the international status and scope of ICRC activity even further.

The 1949 Geneva Conventions, therefore, were pivotal documents in several ways. First, they were the most extensive and comprehensive compilation of the laws of war, focusing on the injured, civilians, and prisoners of war. The Conventions revolved around humanitarian law, and placed the individual victims before military concerns. This was a far cry from the Lieber Code and Hague Conventions, where the law was primarily concerned with the control of weapons and military activity.

Second, the ICRC was responsible for writing the Conventions, and therefore had the freedom to emphasize several issues and concerns that the organization itself had observed through its involvement in war. By asking the ICRC to draft the 1949 Conventions, the United Nations tacitly indicated support for, and trust in, ICRC principles and involvement.

Third, and perhaps most importantly, the role of the ICRC was agreed upon internationally and codified. It was given special status as the only named humanitarian organization in the world, and recognised as a unique actor. It was accorded powers and duties which no other organization could claim to possess. In this way, 1949 was the year that the ICRC truly became an international humanitarian actor, and gained real influence when issues concerning international humanitarian law

¹¹⁶ **Best, *Humanity in Warfare*, 300.**

came up. For the first time, the ICRC was recognised, both by states and international legal scholars, as the epitome of international humanitarian law.¹¹⁷

The 1977 Geneva Protocols I and II

In 1968, the ICRC began to update the 1949 Geneva Conventions. By 1974, the United Nations had asked the ICRC to present some documents to supplement the 1949 Conventions, which had proven lacking by the early 1970s. The ICRC's work of over ten years resulted in the two 1977 Geneva Protocols.

In 1977, approximately 100 states signed the two Geneva Protocols, additional to the Geneva Conventions.¹¹⁸ At present, 146 states are party to Protocol I, and 138 have signed on to Protocol II.¹¹⁹ The purpose of the Protocols was to complement and supplement the Geneva Conventions, which had not lost their relevance, yet proved insufficient to protect the victims of modern armed warfare. The main goal of the Protocols was to strengthen areas in which the Conventions were lacking, and to accommodate new factors and concerns.

¹¹⁷ For further discussion concerning the role of the ICRC, please refer to Jacques Meurant, *Inter Arma Caritas: Evolution and Nature of International Humanitarian Law*, *Journal of Peace Research* 24 (1987): 237-247; also Olivier Durr, "Humanitarian Law of Armed Conflict: Problems of Applicability," *Journal of Peace Research* 24 (1987): 263-273.

¹¹⁸ Cornelio Sommaruga, "Humanitarian Law and Human Rights in the Legal Arsenal of the ICRC," Speech, Graduate Institute of International Studies, Geneva, 16 March 1995.

¹¹⁹ "Geneva Conventions for the protection of war victims of 12 August 1949 and Additional Protocols of 8 June 1977. Ratifications, accessions and successions as at 1 January 1997," *International Review of the Red Cross* 317 (January/February 1997): 211-218.

Meurant explains the need for the Protocols in detail; he argues that although the 1949 Conventions were a landmark in the evolution of international humanitarian law, several events took place after 1949 which politicized international law in a way never seen previously.¹²⁰ The ICRC organized Conferences of Experts through the 1950s and 1960s. Their purpose was to examine the changing international scene, and open discussion and debate about what should happen in international humanitarian law to accommodate such changes. The Conferences of Experts called attention to two main political issues which had to be dealt with by modern humanitarian law. These issues were: non-international armed conflicts, and wars of self-determination, which encouraged guerilla warfare.¹²¹

The ICRC pointed out that the process of decolonization had resulted in increased instances of civil war.¹²² States were turning in on themselves as groups struggled to maintain a degree of authority and recognition in a new world. Identity, ethnicity, religious divisions, and cultural clashes were becoming the norm in war, as people were fighting to gain control over their own destinies.¹²³ The wars were often brutal, and because the law of war did not apply to non-international armed conflict, no constraints could be placed upon the fighting factions, and no legal action could be

¹²⁰ Meurant, "*Inter Arma Caritas*," 242-243.

¹²¹ For an overview of these two controversial areas, see Best, *Humanity in Warfare*, 315-327.

¹²² Sommaruga, Speech, 1995.

¹²³ Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics* (Boulder: Westview Press, 1994), Preface.

taken against them. Also, no pleas could be made for humane treatment of POWs, or civilians, due to the exclusion of duties on belligerents in civil war. Wars of non-international character were essentially free-for-alls, without rules, laws, restrictions, or humanity.¹²⁴

The ICRC reported that most of its activity during the 1960s and 1970s took place in countries affected by non-international armed conflicts. It was therefore argued by the organization that Article 3 common was not far-reaching enough as it was.¹²⁵ In response to the ICRC's argument, the international community recognised that Article 3 common to the 1949 Geneva Conventions should be expanded to accommodate the rising tensions present in civil conflict.¹²⁶

Protocol II was entitled: "Relating to the Protection of Victims of Non-International Armed Conflicts". This was the first international document that focused solely upon internal war, and for this reason, it was a landmark law.¹²⁷ Although it was very brief (consisting of only twenty-eight articles), it was a major breakthrough. The ICRC was encouraged by the accordance of rights and duties to combatants engaged in civil conflict. It placed civil wars within the constraints of law, thereby attempting to

¹²⁴ For an overview of modern, internal war, please see Gurr and Harff, *Ethnic Conflict in World Politics*, especially Chapters 1 and 8.

¹²⁵ Sommaruga, *Speech*, 1995.

¹²⁶ Denise Plattner, "Assistance to the Civilian Population: the Development and Present State of International Humanitarian Law," *International Review of the Red Cross* 288 (May/June 1992): 249-263.

¹²⁷ Roberts and Guelff, *Documents on the Laws of War*, 447.

control them.

Also, the role of the ICRC as a humanitarian relief actor was further accepted: the ICRC had already been involved in several non-international wars, and it had established a reputation in such conflict. Article 12 of Protocol II specifically stated that the symbol of the red cross was to be displayed prominently, and it was to be respected and used properly.¹²⁹ Again, the naming of the ICRC duly awarded it further recognition and responsibility.

Conclusion

This chapter has stressed the role that the ICRC has played in the development of the laws of war. Since the 1864 Geneva Conventions, the organization has become increasingly active, well-known, and prevalent in the drafting and executing the laws of war. The ICRC currently is the sole recognised representative of the Hague and Geneva Conventions; it is the only named humanitarian organization in the documents on the law of war. It has established an international role and assumed a place among the most wretched, violent, and ugly situations on this earth. It is a symbol of neutral assistance and hope to people who have little or nothing else. In this way, the ICRC has achieved something very rare and unique.

Despite these remarkable achievements, the ICRC faces several problems, largely because international conflict is not static. It changes constantly, and consequently, international humanitarian law, and the humanitarian organizations representing the law must change with it. The ICRC therefore cannot rest on its laurels. It must adapt to new situations in international conflict. Largely due to changes in

¹²⁹ Roberts and Guelff, *Documents on the Laws of War*, 455.

conflict, modifications to international humanitarian law, and the new and different types of conflict in which it is involved, the ICRC has had a number of problems in the last ten years concerning its principle of neutrality. Chapter Two argues that there is a lack of international comprehension of the ICRC's role as a neutral actor. Neutrality, as defined by the ICRC, is not easily understood, and is therefore difficult to respect in some cases. At times, however, the ICRC's neutrality yields extremely positive results, such as its ability to visit political detainees and prisoners-of-war in some of the world's least accessible states. Chapter Two examines the definitions and difficulties of the ICRC's embodiment of neutrality, as well as some of its positive aspects.

Chapter Two
The ICRC's Mandate of Neutrality:
Definition and Difficulties

(The ICRC's) position as a neutral intermediary between belligerents...makes it a unique and irreplaceable factor of international fellowship.¹²⁹

Morris Davis, an independent researcher, suggests that the ICRC's self-view as a neutral actor, and self-assessment of its neutral humanitarian activities, differ significantly from the impression that many international humanitarian agencies have of it.¹³⁰ Specifically, Davis writes that no humanitarian agency can or would fault the ICRC's record of humanitarian assistance, and that the ICRC "deserves considerable credit for both the codifications and extensions embodied (in the Geneva Conventions)."¹³¹ The ICRC has led humanitarian activities since its inception in 1863, and has shown other humanitarian non-governmental organizations (NGOs) how much difference a single humanitarian group can make to the victims of war. The ICRC is the world's leader in humanitarian aid, and its reputation is well-deserved. As Davis points out, it has done more good than any other humanitarian NGO.

However, the ICRC often arouses feelings of antagonism, doubt, and even

¹²⁹ The ICRC To-Day (Geneva: ICRC Publishers, no date). Quoted in Morris Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint," *Journal of Voluntary Action Research* 4 (1975): 63.

¹³⁰ Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint,"": 63.

¹³¹ Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint,"": 63.

hostility in other relief agencies.¹³² Davis argues that these negative feelings are not due to the ICRC's humanitarian activities in themselves, but because of the ICRC's emphasis on neutrality when engaging in the activities and aid. The ICRC is the only NGO to place neutrality at the heart of its mandate and mission, and for this reason, critics argue that the ICRC believes that it is morally superior to other humanitarian agencies.¹³³

It is true that the ICRC sees itself as irreplaceable, incomparable, and truly unique.¹³⁴ It is this attitude of superiority due to its commitment to neutrality that creates much of the tension between the ICRC and other NGOs. The ICRC argues that its humanitarian activities are more effective due to its neutral mandate, and that neutral aid is preferable to biased, political assistance. It also argues that it is the only humanitarian NGO to carry out humanitarian assistance in this way, and is therefore unique.¹³⁵

However, other humanitarian agencies, such as *Médecins Sans Frontières* and Amnesty International see the ICRC's commitment to neutrality as extremely negative. These humanitarian relief groups argue that life is not neutral, and that everyone

¹³² Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint," 64.

¹³³ Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint," 63-64.

¹³⁴ Jean Pictet, *Fundamental Principles of the Red Cross* (Geneva: ICRC Publishers, 1979), introduction.

¹³⁵ Denise Plattner, "ICRC neutrality and neutrality in humanitarian assistance," *International Review of the Red Cross* 311 (March/April 1996): 161-179.

should be committed to a moral position.¹³⁶ Humanitarian agencies, due to their work in conflict and situations of great human suffering, have a moral responsibility to participate actively in the alleviation of misery. A large part of active morality is denouncing human rights violations that are witnessed. To remain neutral, passive, and silent in the face of such abuses is anti-humanitarian. According to other humanitarian groups, therefore, neutrality is contradictory to the ICRC's role as a humanitarian relief actor, and damages its credibility and diminishes the effectiveness of its activities.¹³⁷

Therefore, of the seven humanitarian principles to which the ICRC is committed, perhaps the most frequently misunderstood and hotly debated is that of neutrality. Cornelio Sommaruga, the current President of the ICRC, has admitted that there is a great deal of confusion and hostility surrounding the ICRC's principle of neutrality. He agrees that many international humanitarian agencies do not understand the ICRC's notion of neutrality, but that this is not necessarily the fault of the ICRC. He argues that: "The ICRC's neutrality...(is) not always adequately perceived."¹³⁸

Jean Pictet, a former ICRC President, writes that the ICRC is a special organization, with a unique nature, and that this is not always recognised by outside

¹³⁶ Denise Plattner, "Assistance to the civilian population and the development and present state of international humanitarian law," *International Review of the Red Cross* 288 (May/June 1992): 240.

¹³⁷ For a detailed discussion of this perspective, please see Plattner, "Assistance to the civilian population and the development and present state of international humanitarian law," 249-263.

¹³⁸ Cornelio Sommaruga, "Swiss neutrality, ICRC neutrality: are they indissociable?" *International Review of the Red Cross* 288 (May/June 1992): 266.

organizations.¹³⁹ According to Pictet, the ICRC's uniqueness stems from its non-political nature. The ICRC does not respond to power or wealth, but to lack of power. It does not prioritize the needs of victims, on a hierarchy of moral fault and responsibility, but responds to all the victims. Pictet writes,

...rest assured that in a world dominated by self-interest, there is at least one exception to the general rule, one institution whose objects are solely humane; that in a world where expediency and compromise reign, the Committee will act without any ulterior motive, and give no handle for any intrigue; that in a world divided by hatred, it will only be moved by love of one's fellow man.¹⁴⁰

Neutrality protects this essential nature; without neutrality as part of its mandate, the ICRC would not be able to accomplish its humanitarian duty, as it perceives that duty to be. However, like Sommaruga, Pictet recognises that the ICRC's unique position relating to the concept of neutrality is not always comprehended by other humanitarian agencies, nor by the international community.¹⁴¹

The perspective introduced by Sommaruga and Pictet is echoed by Seiler, who argues that the term "neutrality" is itself part of the problem, for it is a source of confusion and controversy. Seiler writes that "...the dilemma is not with neutrality, but with the erroneous interpretation of neutrality."¹⁴² Seiler argues that neutrality is defined differently by different groups, and the lack of a common definition creates

¹³⁹ Pictet, *The Fundamental Principles of the Red Cross*, 57.

¹⁴⁰ Jean Pictet, *Red Cross Principles* (Geneva: ICRC, 1956), 81.

¹⁴¹ Pictet, *The Fundamental Principles of the Red Cross*, 57.

¹⁴² Hansjoerg Seiler, "Neutrality: Dilemma for Switzerland," *General Swiss Military Magazine*, April, 1997.

problems.

The Oxford English Dictionary defines "neutral" as: "not assisting, or actively taking the side of, either party in the case of a war...remaining inactive...undefined, indefinite, vague...indistinct, obscure...without life."¹⁴³ "Neutrality" is defined as: "...the absence of decided views, feeling, or expression; indifference."¹⁴⁴ To be neutral, therefore, is to be lacking in activity, feeling, or conviction. Neutrality is neither active nor passive, it is a void, it is nothing. A related term is "neuter", which means to be powerless, castrated, and without definition or distinction.¹⁴⁵

Neutrality was not, therefore, commonly a positive thing. As pointed out by Meurant:

Taken alone, neutrality is a negative principle embodying the concept of abstention. For some, it is synonymous with indifference, for others, it is no longer relevant in a world that encourages the individual to participate actively through personal commitment.¹⁴⁶

These traditional perceptions of neutrality in conflict continue to prevail at present, therefore, the ICRC remains the centre of much criticism. On the surface, to be neutral and simultaneously humanitarian is contradictory; how can the ICRC be the guardian of humanity in warfare, yet strive to be disinterested and inactive in times of conflict, when

¹⁴³ The Oxford English Dictionary, (Oxford: Clarendon Press, 1933), 109.

¹⁴⁴ The Oxford English Dictionary, 110.

¹⁴⁵ The Oxford English Dictionary, 109.

¹⁴⁶ Jean Meurant, "*Principles fondamentaux de la Croix Rouge et humanitarisme moderne*," in *Studies and Essays on International Humanitarian Law and Red Cross Principles, in Honour of Jean Pictet*, ed. Christophe Swinarski (Geneva: The Hague, ICRC Publishers, 1984): 893.

violations of humanitarian law are at their worst? As discussed by Plattner, modern non-governmental organizations must struggle to provide neutral aid in the face of human rights violations, and must bear the criticisms which accompany whatever decisions and actions they may or may not undertake.¹⁴⁷

The ICRC argues that humanitarianism and neutrality are not incompatible. Pictet wrote that, "For the Red Cross, there is no just war and no unjust war - there are only victims in need of help."¹⁴⁸ From this perspective, therefore, the ICRC does not consider humanitarian assistance a privilege, entitled to by a select few, based on political ideology, religion, or ethnic affiliation. The ICRC believes that all victims have a right to humanitarian relief and aid, and thereby attempts to remove any moral question from the issue. Therefore, the ICRC's critics are wrong when they argue that the ICRC's neutral stance is motivated by the need to appear morally superior to its rivals. Instead, the ICRC's mandate of neutrality is pragmatic.¹⁴⁹ It has chosen to be a neutral organization to gain the trust of the international community, and so it can be present in all conflicts, regardless of political or personal agendas. Pictet writes that, "One cannot be at one and the same time the champion of justice and of charity. One must choose, and the ICRC has long since chosen to be a defender of charity."¹⁵⁰ Van Boven offers

¹⁴⁷ Plattner, "Assistance to the Civilian Population and the development and present state of international humanitarian law,": 240.

¹⁴⁸ Pictet, *The Fundamental Principles of the Red Cross*, 31.

¹⁴⁹ Theo C. Van Boven, "Some reflections on the principle of neutrality," in *Studies and Essays on International Humanitarian Law and Red Cross Principles, in honour of Jean Pictet*. ed. Christophe Swinarski (Geneva: The Hague, ICRC Publishers, 1984): 647.

¹⁵⁰ Pictet, *The Fundamental Principles of the Red Cross*, 60.

a variation on Pictet's words when he argues that, "it is humanitarian pragmatism or utility which prevails over justice."¹⁵¹

The ICRC is therefore an organization which defines neutral activity in a non-traditional manner. Pictet has written extensively about the misunderstandings which the idea of neutrality creates for the ICRC, and he makes a critical distinction between neutrality as it is commonly understood, and neutrality as it is perceived by the ICRC.¹⁵² Pictet insists that ICRC neutrality is very rare and focused. In times of crisis, when engaged in humanitarian assistance, neutrality manifests itself in a very different way than does neutrality outside a situation of humanitarian need. Pictet argues that the ICRC strives to be neutral in a very narrow context. Specifically, the ICRC remains neutral in its attitude towards parties in conflict, and towards ideologies.¹⁵³ Therefore, the ICRC does not favour a particular group in conflict, nor does the organization subscribe to a political movement or party. The ICRC does not judge combatants, nor does it declare either belligerent group to be in the wrong. The ICRC is on nobody's side, espouses no political doctrine, nor does it ally itself with a particular ideology.¹⁵⁴

At the Vienna Conference of 1965, the principle of ICRC neutrality was debated, and it was clarified in the following statement: "In order to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies

¹⁵¹ Van Boven, "Some reflections on the principle of neutrality," 647.

¹⁵² For an extensive overview and discussion of the ICRC's idea of neutrality, see Pictet, *The Fundamental Principles of the Red Cross*.

¹⁵³ Pictet, *The Fundamental Principles of the Red Cross*, 51.

¹⁵⁴ For a discussion of the non-political aspect of ICRC neutrality, refer to David P. Forsythe, "The Red Cross as Transnational Movement," *International Organization*, 30 (Autumn 1976): 608-629.

of a political, racial, religious, or ideological nature."¹⁵⁶ It is not of concern to the ICRC who is fighting, or why, and the organization cannot become involved in the reasons and motivations of the combatants. In specific ways, the ICRC is disinterested or indifferent to aspects of conflict. In this limited sense, the ICRC is removed from the conflict.

Additionally, the organization's delegates and volunteers do not speak publicly about what they see when assisting victims in times of conflict. As pointed out by Forsythe, "The ICRC has treated even flagrant violations of the law of armed conflict or widely recognized humanitarian principles without publication of details."¹⁵⁶ The ICRC remains silent about what it has witnessed in order to gain the trust of governments and parties in conflict. Plattner writes that, "...trust has to be earned and maintained. It is not enough to declare one's neutrality: that neutrality has to be proved through one's behaviour."¹⁵⁷ The ICRC believes that the best way to prove its trustworthiness and neutrality is to not expose a belligerent's activities to outside agencies, tribunals, or the media.¹⁵⁸

The rule of silence adopted by the ICRC as part of neutrality is a very controversial aspect of the organization's mandate. Although critics have always

¹⁵⁶ Van Boven, "Some reflections on the principle of neutrality,": 644.

¹⁵⁶ Forsythe, "The Red Cross as Transnational Movement,": 613.

¹⁵⁷ Plattner, "Assistance to the Civilian Population and the development and present state of international humanitarian law,": 241.

¹⁵⁸ David P. Forsythe, interview by author, Toronto, Ontario, 19 March 1997.

expressed reservations about the ICRC's principle of neutrality,¹⁶⁰ in the late 1960s, the "second generation of humanitarian action" surfaced,¹⁶⁰ and as a result, the debate became more heated. One of the defining characteristics of this second generation is that it has "refused the paralysing effects of neutrality and its passive consequences."¹⁶¹ *Médecins Sans Frontières* (MSF) originated in 1971, and represents the advent of the second generation. MSF in particular has expressed disapproval of the ICRC's mandate of neutrality, and continues to challenge the ICRC's policies and principles to this day.

MSF was partially formed in response to ICRC activity and policy during the late 1960s.¹⁶² The Biafran civil war broke out in Nigeria in 1967, and a group of french doctors worked for the French Red Cross (FRC) during the crisis. In the course of their duties, however, they came to believe that international aid was seriously lacking. Brauman writes that "(international aid) was too deferential to international law to be

¹⁵⁹ As early as the 1864 Geneva Convention, there was controversy about the ICRC being recognised as a neutral body. There was tension between the ICRC and the military because it was felt that humanitarian assistance was attempting to supersede military tactics during war. For a discussion of this tension, see Geoffrey Best, *Humanity in Warfare: The Modern History of the International Law of Armed Conflicts* (London: Methuen & Co. Ltd., 1983), 150.

¹⁶⁰ Mario Bettati, "Assistance humanitaire et droit international," in *Les Droits de l'homme et la nouvelle architecture de l'Europe* (Nice: Institute of Peace and Development Law, 1991): 169.

¹⁶¹ Bettati, "Assistance humanitaire et droit international,": 169.

¹⁶² The outline of MSF's history, as discussed in this thesis, is based on Rony Brauman's account in "The *Médecins Sans Frontières* Experience," in *A Framework for Survival: Health, Human Rights and Humanitarian Assistance in Conflicts and Disasters*. ed. Kevin M. Cahill (New York: Basic Books, 1993): 203-206.

effective in crisis situations."¹⁶³ The French doctors felt that the ICRC complied too often with states, and always had to accept, or at least respect, state sovereignty. An example of such compliance with which the FRC disagreed was the ICRC's refusal to enter a country without the state's permission. The French doctors argued that humanitarian assistance should not be subservient to political agendas. They felt that groups such as the ICRC should be able to enter a state when a crisis broke out, and as soon as there were victims in need of help.¹⁶⁴

Another criticism the FRC had concerned the ICRC's code of silence. At the conclusion of the Biafran civil war, there were over one million people dead. The FRC denounced the ICRC's silence in the face of a massive ethnic genocide, and openly defied the organization's policy of not allowing workers to speak publicly about what they had witnessed during the crisis. Upon returning to France, the French doctors organized a committee dedicated to speaking out against the Biafran genocide. The committee argued that "medical action should not be turned into a blind and dumb instrument."¹⁶⁵

Kouchner, one of the founding members of MSF, writes that from the standpoint of justice for human beings, silence is reprehensible.¹⁶⁶ He argues that it is an humanitarian's duty to speak out against the wilful violations of human rights; to refuse to do so implies consent with the perpetrator of the atrocities, and failure to act in an

¹⁶³ Brauman, "The *Médecins Sans Frontières* Experience,": 203.

¹⁶⁴ Brauman, "The *Médecins Sans Frontières* Experience,": 204-205.

¹⁶⁵ Brauman, "The *Médecins Sans Frontières* Experience,": 205.

¹⁶⁶ Bernard Kouchner, *Le Malheur des Autres* (Paris: Éditions Odile Jacob, 1991), 107.

humanitarian manner.¹⁶⁷ MSF argues that neutrality serves as "the justification for inaction, abstentionism and wait-and-see attitudes in humanitarian matters."¹⁶⁸

Desthèxe, the former secretary-general of *Médecins Sans Frontières*, argued that neutrality is not compatible with justice. He wrote:

The humanitarian world needs only one neutral organization: the international Committee of the Red Cross (ICRC) is essential and quite sufficient...Private humanitarian action must break free from the double yoke of simple compassion and neutrality and arm itself with a demand for justice.¹⁶⁹

Amnesty International is another organization that criticizes the ICRC. Forsythe says that Amnesty argues that it deals with "fundamental issues, while the Red Cross deals with superficial things...There are lots of people who don't want to work for the Red Cross because they deal with bandaid solutions. Those are the people who work for Amnesty."¹⁷⁰

In response to the above MSF and Amnesty attacks, the ICRC defends itself in four ways. First, the ICRC argues that it has chosen to adopt a code of silence in order to pursue a humanitarian ideal, thereby ensuring greater justice for all human beings. Forsythe states that the ICRC consciously refuses to report on acts committed by either party engaged in conflict, in order to ensure that it will be trusted to enter yet another situation or conflict. If the ICRC were invited to enter a country to assist and provide

¹⁶⁷ For an overview of this perspective, see Kouchner, *Le Malheur des Autres*, 1991.

¹⁶⁸ Bettati, "Assistance humanitaire et droit international," 169.

¹⁶⁹ A. Desthèxe, "Rwanda: essai sur le génocide" in *Éditions Complexe* (Brussels, 1994): 87.

¹⁷⁰ Forsythe, interview by author.

aid, and then published all the events that the delegates and volunteers had witnessed, then no other warring factions would have any reason to trust the ICRC in the future.¹⁷¹ It is this trust which the ICRC absolutely cannot lose, because, as pointed out by Forsythe, the ICRC does not want to jeopardize the position they have gained. Forsythe says that "...they want to act not just in (one) conflict, but in all conflicts."¹⁷² For the ICRC, therefore, its silence, the trust of belligerents, and its future involvement in conflicts are interrelated concepts. To speak out against a state, or a group of belligerents, would lose the trust of the governments and warring groups, and would threaten the ICRC's ability to assist in future conflicts and crises.

Sandoz agrees with the perspective put forth by Forsythe, concerning ICRC silence in the face of atrocities and violence. Sandoz notes that, "...silence has never been set up as a principle by the ICRC. The question has always been considered from the angle of efficiency in achieving the objective set by the principle of humanity."¹⁷³

Silence is adopted in order to achieve the greater humanitarian mission to which the ICRC is dedicated; it is a manifestation of the principle of neutrality, and it is maintained for the greater good of all victims, both present and future. Sommaruga writes that the ICRC remains silent in order to avoid contributing to the flaring of passions and fuelling further controversy in already volatile situations.¹⁷⁴ Boissier, a former ICRC President,

¹⁷¹ Forsythe, interview by author.

¹⁷² Forsythe, interview by author.

¹⁷³ Yves Sandoz, "'Droit or 'devoir d'ingérence' and the right to assistance; the issues involved," *International Review of the Red Cross* 288 (May/June 1992): 226.

¹⁷⁴ Sommaruga, "Swiss neutrality, ICRC neutrality: are they indissociable?": 268.

wrote that, "Protest, denunciation, condemnation and ostracism may at times relieve conscience, but it can also kindle the hatred which is the curse of mankind."¹⁷⁵ To add to the tension inherent in conflict does not serve the larger humanitarian cause. Rather, anger against or suspicion of the ICRC only creates a worse situation for those who require the assistance of an outside, neutral agency.

The ICRC therefore argues that although it remains silent, this should not be perceived as a failure to meet its mandate, nor is it indicative of a lack of commitment to its humanitarian duty, or to human justice. Sommaruga argues that "neutrality is a constant obligation...from which (the ICRC) cannot depart even temporarily without compromising its ability to act on behalf of victims."¹⁷⁶

The first defence presented by the ICRC against the attack by *Médecins Sans Frontières* and Amnesty International described above, therefore, points out that silence by ICRC delegates and workers is an instrument which enables future ICRC participation in conflict. Forsythe notes that by gaining the trust of belligerents, the ICRC has earned the right to be present in times of war.¹⁷⁷ Although neutrality and silence in the face of gross atrocities are very difficult to understand in the short-term, the ICRC argues that the goal of the organization is to be present in the long-term. Freymond writes that, "a 'humanitarian policy' cannot be carried out on a momentary

¹⁷⁵ Leon Boissier, "The Silence of the ICRC," *Journal de Genève* (19 January 1968): 52.

¹⁷⁶ Sommaruga, "Swiss neutrality, ICRC neutrality: are they indissociable?": 267.

¹⁷⁷ Forsythe, interview by author.

impulse but only in terms of the future."¹⁷⁸ In this way, therefore, the neutrality and silence adopted by the ICRC are not anti-humanitarian, they are very much motivated by humanitarian concerns, for all victims, in all wars, and all situations where there are victims.

The ICRC's second defence is to recognise the truth in the criticisms levied against its neutral stance. It would be incorrect and naive to argue that the ICRC does not realise the potential difficulties and shortcomings of neutrality and silence. It is at times painfully aware of the consequences of its silence.¹⁷⁹ However, the ICRC has never claimed to be all things to all people in all situations.¹⁸⁰ Although silence upon witnessing atrocities is central to the ICRC's mandate, this is not the case with all humanitarian groups. MSF and Amnesty International are only two examples of groups which choose to speak out against human rights violations. Meyer notes that, "There are many other organizations whose acknowledged role is to speak out in public..."¹⁸¹ Like MSF and Amnesty, groups such as *Médecins Du Monde* and Human Rights Watch, occupy an admirable and essential place in the area of humanitarian aid and the monitoring of human rights atrocities. The ICRC, however, asserts that these

¹⁷⁸ Jacques Freymond, "The International Committee of the Red Cross Within the International System," *International Review of the Red Cross* 134 (May 1972): 262.

¹⁷⁹ For example, the ICRC continues to be criticised today for its silence during the Holocaust. Among others, see Francois Bugnion, "ICRC action during the Second World War," *International Review of the Red Cross* 317 (March/April 1997): 156-177.

¹⁸⁰ Forsythe, interview by author.

¹⁸¹ Michael Meyer, "Public Advocacy: Why the Red Cross and Red Crescent should look before it leaps," *International Review of the Red Cross* 315 (November/December 1996): 621.

groups cannot and do not perform the same functions as it does. For over a century, it has adopted a quiet approach to humanitarian service, and the level of trust earned by such an approach remains unmatched by any other organization. Without neutrality, the working relationship between the ICRC and belligerents would not exist.¹⁶²

The ICRC does not, therefore, argue that silence is an essential part of neutrality for all humanitarian agencies. The ICRC states that silence is necessary for its mandate of neutrality, and in order to continue to perform its duties for victims. Other groups, such as MSF and Amnesty International, should speak out. It is a working and complementary relationship, and the ICRC acknowledges and encourages other organizations to advocate vigorously and publicly on behalf of victims of conflict, and human rights abuses. For example, David Forsythe says that the ICRC and Amnesty International manage "de facto cooperation, and in some cases it's more than that. I know because for some time I was a liaison between the ICRC and Amnesty. They have very close contacts."¹⁶³ Forsythe goes on to say that

...the more that Amnesty generates pressure on a government, the more likely it will be that the government will allow the ICRC to visit prisoners ...there is an organic relationship, although (the ICRC and Amnesty International) have different agendas.¹⁶⁴

¹⁶² Examples of partners in a working relationship that is dependent upon the ICRC's neutrality, include the pro-apartheid South African government, and the Iraqi government during the Persian Gulf Crisis. Neutrality also fostered a relationship with the belligerents in the Cambodian, Sri Lankan, Angolan, and Sudanese civil wars. For a discussion of these and other relationships, see Claudio Caratsch, "Red Cross Work in the Post-Cold War Period," *International Relations* 11 (April 1993): especially pages 303-307.

¹⁶³ Forsythe, interview by author.

¹⁶⁴ Forsythe, interview by author.

What the ICRC cannot do, therefore, other groups should. Genocide, torture, mistreatment of political prisoners, and other gross violations of human rights and dignity should be given international attention, but the ICRC cannot be the organization to make that information public knowledge. The ICRC accepts this shortcoming, because it realises that a benefit results for the victims of conflict, if it maintains a silent, neutral role.

The last defense presented by the ICRC in response to attacks by MSF and Amnesty International, is to argue that its attitude of neutrality is not directed towards the victims of conflict. The indifference displayed by the ICRC towards such factors as political ideology, nationality, or ethnicity, never applies to the victims of war. Pictet writes that there can never be inactivity or passivity towards human beings who suffer.¹⁸⁵

In this way, the ICRC is not neutral in the traditional sense of the word, rather, the ICRC engages in what Forsythe identifies as "active neutrality".¹⁸⁶ Active neutrality, as perceived by the ICRC, is motivated by humanitarian ideals, and focuses on the needs of victims. Active neutrality does not mean to stand by passively while crises unfold, and while people suffer. It means to act on behalf of people who cannot act for themselves. It requires that the ICRC assists the victims of conflict, without supporting what it is that they are fighting for. It is motivated by humanitarian ideals and principles, not by political agendas or ends. An example of active neutrality is the ICRC's role as

¹⁸⁵ Pictet, *The Fundamental Principles of the Red Cross*, 60.

¹⁸⁶ Forsythe, interview by author; the ICRC also uses this term to describe its activities. See, for example, "Sri Lanka: active neutrality," *ICRC News* 96/43, 30 October 1996.

an advocate for victims, especially victims of armed conflict.¹⁸⁷ In no way is active neutrality indifference, abstention, or refusal to be of assistance. Although the ICRC does not engage in hostilities or advance the cause of any one side of a conflict, it is not an inactive agency.

Advocacy, as generally understood, implies speaking out, taking a stand, choosing a side. Meyer writes that:

Advocacy generally means to take someone's part, or to argue on behalf of a cause. It may be undertaken privately or publicly; cautiously or vigorously. The (ICRC) Movement has long been an advocate on behalf of victims.¹⁸⁸

The ICRC, in this sense, goes against the traditional notion of neutrality as synonymous with indifference and inactivity. By advocating on behalf of those who cannot speak for themselves, the ICRC is not merely a silent actor, it is an organization that has chosen to argue a cause. Davis notes that the ICRC responds not to power, but to lack of power.¹⁸⁹ It is not indifferent to the suffering of victims.

The ICRC defends active neutrality, arguing that no contradiction exists in assuming such a role. Forsythe says that the ICRC defines neutrality as " something that is not pure, that is not perfect..."¹⁹⁰ Neutrality must be compromised in many situations, because pure neutrality cannot work in reality. Forsythe says that for the

¹⁸⁷ Meyer, "Public Advocacy: Why the Red Cross and Red Crescent should look before it leaps,": 618.

¹⁸⁸ Meyer, "Public Advocacy: Why the Red Cross and Red Crescent should look before it leaps,": 618.

¹⁸⁹ Davis, "The International Committee of the Red Cross and its Practice of Self-Restraint,": 64.

¹⁹⁰ Forsythe, interview by author.

ICRC, "relative neutrality is good enough."¹⁹¹ The ICRC's notion of neutrality is flexible, allowing the organization some freedom in defining the concept, and assuming a humanitarian role. One of the best examples to support this idea that the ICRC's definition of neutrality is flexible is evident when examining the ICRC's visits to political prisoners and POWs.¹⁹²

Advocacy on behalf of victims is part of the flexibility permitted when defining neutrality. Advocacy as assumed by the ICRC is not a compromise that threatens its claim to be a neutral humanitarian actor. Instead, by advocating on the part of victims, the ICRC reaffirms and strengthens its role as a humanitarian agency.¹⁹³

A former ICRC delegate, Dr. Marcel Junod, provides perhaps the most eloquent discussion of the ICRC's role on behalf of the victims of conflict. In his book Le Troisième Combattant,¹⁹⁴ Junod writes that, "Again and again on the missions which took me to many theatres of war I have had the lively impression that I too was a combatant engaged in battle."¹⁹⁵ Junod argues that in any battle, there are never more than two adversaries, but that in the midst of the conflict, there is a third combatant; "a

¹⁹¹ Forsythe, interview by author.

¹⁹² This notion of flexibility concerning the ICRC's neutral stance is discussed further and clarified in the section in this chapter entitled, Visits to Political Detainees and POWs.

¹⁹³ Meyer, "Public Advocacy: Why the Red Cross and Red Crescent should look before it leaps," 618-619.

¹⁹⁴ Translated in English under the title *Warrior Without Weapons* (Geneva: ICRC, 1982).

¹⁹⁵ Junod, *Warrior Without Weapons*, 310.

warrior without weapons.”¹⁶⁶ This warrior does not engage in violence towards either adversary, nor does he/she support the cause of the belligerents. The third combatant works for the benefit of both adversaries, and advocates on behalf of those who cannot speak for themselves; the injured, the ill, the dying.¹⁶⁷

The third combatant is therefore neutral concerning the causes of the conflict, and the nationality, political affiliation, and ideology of the adversaries engaged in battle. However, by the very nature of the third combatant's work and duty, this individual is not neutral when there is an injured, suffering human being. An unarmed warrior fights for something; in this sense, the third combatant is not purely neutral. He/she is on the battlefield representing some standard, fighting for something, advocating for someone.

What does the third combatant fight for? Junod writes that:

He fights for everything which human combat spoils and destroys. He appears wherever a human being is left, under no matter what form, at the mercy of his enemy. His only aim is to prevent the victor, whoever he may be, from relentlessly persecuting the vanquished. To intervene and advocate on behalf of the victims - often enough that means no more than to recall their very existence (even when they are held out of sight) to the authorities who have power over them, and to make the reality of their sufferings appreciated.¹⁶⁸

This is the active neutrality to which the ICRC is dedicated. It is interesting to note that Junod makes use of war terminology, and draws comparisons between delegates in the field and combatants engaged in battle. Ignatieff writes that “There is a

¹⁶⁶ Junod, *Warrior Without Weapons*, 310.

¹⁶⁷ Max Huber, *Introductory Remarks in Warrior Without Weapons*, 9.

¹⁶⁸ Junod, *Warrior Without Weapons*, 310.

curious parallel between the ICRC culture and the military culture it shadows...The ICRC, like an army respects discipline, order, and honour. It works best when it is face to face with warriors."¹⁹⁹ Huber supports this view when he writes that it is in times of war that the full significance of the role of the ICRC as a neutral agency becomes apparent. Huber argues, however, that despite the points of comparison between the ICRC and an army, the ideas put forth by Junod in his work are "by their very nature profoundly contrary to those of war."²⁰⁰

The ICRC's definition of neutrality, therefore, is not compatible with the traditional conception of the term. Active, relative neutrality, which allows for advocacy on behalf of the victims, is the neutrality to which the ICRC is committed. The ICRC is a combatant, it fights for the victims, it stands by certain principles and standards. The ICRC is not a passive, indifferent organization, despite the accusations brought against it by other humanitarian groups and agencies.²⁰¹ In the face of human suffering, the ICRC is non-neutral.

Therefore, neutrality as perceived and embodied by the ICRC is a very complex concept. The organization does not fit within the traditional understanding of the term, but neither does the ICRC actively reject the commonly-understood meaning of the word in all situations. Instead, the ICRC conforms to the traditional understanding of neutrality when considering the causes and nature of conflict, but allows flexibility of the

¹⁹⁹ Michael Ignatieff, "Unarmed Warriors," *The New Yorker*, 24 March 1997, 58.

²⁰⁰ Max Huber, *Introductory Remarks in Warrior Without Weapons*, 10.

²⁰¹ *Médecins Sans Frontières* and *Amnesty International* both argue that the ICRC's neutrality is a form of passivity. Please refer to earlier in this chapter for a discussion of these two organizations' criticisms of the ICRC.

term when relieving human suffering. The ICRC's neutrality is selective. It is not surprising that there is confusion surrounding the ICRC's neutral role, and that many international humanitarian agencies do not understand the ICRC's notion of neutrality.

Despite the confusion and apparent contradictions, however, two points are clear. First, the ICRC does not regard neutrality as an end in itself.²⁰² Neutrality is but a means of carrying out its mandate on behalf of the victims of armed conflict and disturbances. Sommaruga argues that neutrality must be observed and respected by the ICRC if the institution is to fulfil its humanitarian mission.²⁰³ He adds that "the ICRC can live on only if it inspires confidence", and that neutrality as practised by the ICRC is the best way to maintain such confidence.²⁰⁴

Second, it is clear that a great deal of good comes from the ICRC's role as an active, neutral humanitarian agency. Perhaps the greatest success attained by the ICRC's commitment to neutrality has been the voluntary acceptance of ICRC delegates into some of the world's least accessible and isolationist regimes. The thesis examines some of the ICRC's experiences when visiting prisoners in detention centres. This examination illustrates the difficulties of the ICRC's principles of neutrality and confidentiality, and also its ability to compromise its own principles under certain circumstances.

Visits to Political Detainees and POWs

The ICRC's argument that neutrality and confidentiality must be adopted in all its

²⁰² Plattner, "ICRC neutrality and neutrality in humanitarian assistance,": 170.

²⁰³ Sommaruga, "Swiss neutrality, ICRC neutrality: are they indissociable?": 267.

²⁰⁴ Sommaruga, "Swiss neutrality, ICRC neutrality: are they indissociable?": 273.

activities is most strongly made when examining its role in visiting prisoners-of-war (POWs) and political detainees. The ICRC argues that the only reason that it is allowed to visit places of detention is directly due to its principle of neutrality.²⁰⁶ The ICRC has been given the special privilege of accessing the detention camps and prisons of some of the world's most brutal regimes. It has managed to establish a relationship with several states, many of which are in almost perpetual conflict. The ICRC has visited detainees in a number of troubled countries, including South Africa, Ethiopia, El Salvador, Nicaragua, Iran, Iraq, Afghanistan, East Timor, Indonesia, and Chile, among others.²⁰⁸ Forsythe points out that the ICRC gains access to more POWs and detainees than any other non-governmental organization in the world.²⁰⁷ Between January and September of 1997, for example, ICRC delegates visited over 160,900 detainees in more than 1,445 places of detention, in fifty countries.²⁰⁸

Why would states engaging in torture and other human rights violations permit an outside humanitarian agency to enter places of detention? Caratsch argues that compliance is due to the development of confidence in the ICRC's activities as a

²⁰⁶ Pascal Daudin and Hernan Reyes, "How visits by the ICRC can help prisoners cope with the effects of traumatic stress," excerpt from *International Responses to Traumatic Stress* (New York: Baywood Publishers, 1995), Chapter 1.

²⁰⁸ Amnesty International names all of these countries as particularly brutal to political prisoners, and states that torture and human rights abuses are common in their prisons. In fact, Amnesty International suggests these practices are standard, and considered part of the interrogation process. Refer to the individual states listed in the *Amnesty International Medical Commission*, London, 1991.

²⁰⁷ Forsythe, interview by author.

²⁰⁸ "The ICRC worldwide from January to September 1997," Information issued by the ICRC, 17 November 1997, Internet, ICRC Homepage, <http://www.icrc.org>

neutral, silent actor.²⁰⁹ The ICRC has gained this confidence by respecting the sovereignty of states, and by agreeing to not interfere in the internal affairs of a state. Armstrong points out that the ICRC, as a neutral non-governmental organization, cannot and should not criticize state authorities about domestic affairs.²¹⁰

In order to create a working environment in which states do not feel threatened by an outside party, the ICRC agrees to a number of conditions under which visits are conducted. For example, Blondel notes that the ICRC never becomes involved in the reasons for an individual's detention.²¹¹ Another condition is that the ICRC does not make public what its delegates have observed. Reports are confidential, and only the ICRC and the detaining authority are given copies.²¹² Also, as Forsythe points out, the ICRC will not enter a POW camp or a prison without the permission of the detaining authority.²¹³ By agreeing to these conditions, therefore, its mandate of neutrality and code of confidentiality are maintained during prison visits.

The advantage to states is that they are aware of ICRC activity, and can decide

²⁰⁹ Caratsch, "Humanitarian Design and Political Interference: Red Cross Work in the Post-Cold war Period," 301-313.

²¹⁰ J.D. Armstrong, "The International Committee of the Red Cross and political prisoners," *International Organization* 39 (Autumn 1985): 629-630.

²¹¹ Jean-Luc Blondel, "Getting Access to the Victims: Role and Activities of the ICRC," *Journal of Peace Research* 24 (1987): 311.

²¹² Armstrong, "The International Committee of the Red Cross and political prisoners," 634.

²¹³ David P. Forsythe, "The Red Cross as transnational movement: observing and changing the nation-state system," *International Organization* 30 (Autumn 1976): 619.

whether such activity will be permitted to continue.²¹⁴ If the ICRC delegates behave in a way deemed inappropriate by a detaining authority, or a government feels threatened by the presence of an outsider, visiting privileges are suspended immediately. Forsythe writes, "It is clear that when there is a confrontation between the Red Cross and states, the latter win."²¹⁵

The conditions do sometimes create problems for the ICRC. One of the most controversial incidents in the ICRC's history of visiting political detainees took place when Greece was under a military regime from 1967 to 1974. This incident questioned the ICRC's code of silence, and tested its fundamental principle of neutrality.²¹⁶ From 1967 to 1970, Amnesty International and other non-governmental organizations provided the international community with incriminating information concerning violations of human rights under the military regime. Based upon reported incidents of torture, disappearances, and other atrocities, Greece was under threat of censure, or even expulsion, from the Council of Europe. The Council asked the ICRC to confirm Amnesty International's information by divulging delegates' observations after visiting Greek detention facilities. The ICRC, however, remained faithful to its principles of neutrality and confidentiality in dealing with governments, and refused to give the Council any information. Humanitarian agencies criticized the ICRC for failing to aid the

²¹⁴ Forsythe, "The Red Cross as transnational movement: observing and changing the nation-state system," 619.

²¹⁵ Forsythe, "The Red Cross as transnational movement: observing and changing the nation-state system," 619.

²¹⁶ The outline of events in Greece discussed in this thesis is based on David P. Forsythe's account in *Humanitarian Politics: The International Committee of the Red Cross* (Baltimore: John Hopkins University Press, 1977), 76-84.

Council, and for protecting a military regime which blatantly abused human rights.

Despite the accusations and controversy, however, the ICRC's primary concern was to not jeopardize the working relationship, based on trust and confidentiality, that it had established with Athens.²¹⁷ Unfortunately, the relationship was abused by the Greek authorities. As Armstrong notes, the Greek authorities, "used the fact that the ICRC was visiting Greek prisoners to block attempts by other NGOs and the Council of Europe itself to gain access to the prisoners."²¹⁸ Athens was fully aware that the ICRC witnessed countless atrocities, and documented all such reports, but the Greek authorities also knew that the ICRC would not disclose such information, as illustrated by the ICRC's refusal to assist the Council of Europe. It was misleading to use the ICRC presence in Greek prisons as confirmation that no human rights abuses existed, yet the ICRC could not rectify the situation without full disclosure. The ICRC was trapped in a situation of its own making.²¹⁹

According to critics of the ICRC, the events which took place in Greece outline a serious shortcoming of ICRC policy when dealing with authorities in command of centres of detention. The critics argue that ICRC visits are used to enhance a state's reputation through propoganda, and to legitimise human rights abuses.²²⁰ By refusing

²¹⁷ For more details of this incident, refer to Forsythe, *Humanitarian Politics*, especially 76-84; also, Armstrong, "The International Committee of the Red and political prisoners,": 638-639.

²¹⁸ Armstrong, "The International Committee of the Red Cross and political prisoners,": 639.

²¹⁹ Armstrong, "The International Committee of the Red Cross and political prisoners,": 639.

²²⁰ Armstrong, "The International Committee of the Red Cross and political prisoners,": 638.

to release information to international authorities, the ICRC conspires on behalf of detaining and abusive authorities.²²¹

The ICRC's response to such accusations is to argue that although it does not publish full details of delegate observations, the organization tells the public where the delegates are visiting, and how frequently. The ICRC also mentions where it has been denied access, and where visits have been suspended. As Forsythe argues, "An informed journalist, official, or citizen can tell a great deal about the ICRC from such public records."²²² Additionally, it is evident that if the ICRC visits a particular prison daily, there is a problem there; if an ICRC visit takes place once every eight months, then it is fair to conclude that the situation within the detention facility has stabilized.²²³ Therefore, a great deal of information can be gleaned from general statements made by the ICRC officials, without the actual release of details, and without the ICRC compromising its neutrality.

Additionally, the ICRC argues that it cannot be assumed that it is merely a propaganda instrument of states.²²⁴ The ICRC carries out visits under terms which are included for the protection of the ICRC, and to give it some influence when engaging in visits. For example, the 1949 Geneva Conventions granted a number of specific rights

²²¹ For further discussion about the ICRC being used for non-humanitarian purposes, refer to former ICRC President Alexandre Hay's address to the 1981 International Red Cross Conference in Manila.

²²² Forsythe, "Human Rights and the International Committee of the Red Cross," *Human Rights Quarterly* 12 (1990): 282.

²²³ Forsythe, "Human Rights and the International Committee of the Red Cross," 282.

²²⁴ Blondel, "Getting Access to the Victims: Role and Activities of the ICRC," 312.

to the ICRC. In particular, ICRC delegates must be able to visit and interview POWs without witnesses.²²⁵ This privacy extends also to civilian detainees or internees.²²⁶ Blondel argues that based on these articles, therefore, the ICRC carries out visits to places of detention under very specific guidelines.²²⁷ First, ICRC delegates must be able to see, register, and interview all detainees, without witnesses. Second, the ICRC must have access to all places of detention. Third, repeated visits must be permitted, if an ICRC delegate deems it necessary to return.²²⁸ The ICRC argues, therefore, that visits are indicative of a detaining authority's goodwill, and that the conditions ensure ICRC delegates freedom to visit where and when they choose, without the detaining authority's supervision.²²⁹

Further, the ICRC defends its position by pointing out that if a detaining authority does not comply with the three conditions noted above, it will decline to visit a detention facility, or will indefinitely suspend visits to the camp or prison.²³⁰ In the case

²²⁵ 1949 Geneva Convention III Relative to the Treatment of Prisoners of War, Article 126. See Roberts and Guelff, *Documents on the Laws of War* (Oxford: Clarendon Press, 1982), 266-267.

²²⁶ 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, Articles 76 and 143. See Roberts and Guelff, *Documents on the Laws of War*, 297-298 and 322.

²²⁷ Blondel, "Getting Access to the Victims: Role and Activities of the ICRC,": 312.

²²⁸ Blondel, "Getting Access to the Victims: Role and Activities of the ICRC,": 311.

²²⁹ Daudin and Reyes, "How visits by the ICRC can help prisoners cope with the effects of traumatic stress," Chapter 2.

²³⁰ Armstrong, "The International Committee of the Red Cross and political prisoners,": 634.

of the Sandanista government in Nicaragua, for example, the government wished to set restrictive terms upon the conditions of ICRC visits. The ICRC argued that to send delegates under such conditions would compromise its neutrality to an intolerable degree. In effect, conducting visits under the government's terms would result in an unacceptable shift in power in favour of the Sandanista government, and the ICRC refused to accept such a blatant position of state advantage.²³¹

The ICRC also argues that its visits to prisons indicate that its active neutrality is a flexible, relative principle. The ICRC is willing to compromise its neutral position if the above conditions are not met by states, or if delegates are not permitted to carry out their duties in the prescribed manner. One example of the ICRC's willingness to compromise its neutrality and break its silence is when detaining authorities choose to make delegates' confidential reports public information. The ICRC points out that the government is free to do so. However, if the government's public report is inaccurate or incomplete, then the ICRC reserves the right to publish the full report.²³² This is therefore a strong argument to illustrate the ICRC's willingness to compromise its own principles, under particular conditions, and when a specific agreement is broken.

Further, there are a few rare cases when the ICRC has acted independently, and publicly reported appalling prison conditions. This is done only after repeated visits have been carried out, and numerous reports have been given to the detaining state

²³¹ Forsythe, "Choices more Ethical than Legal: the International Committee of the Red Cross and Human Rights," *Ethics and International Affairs* 7 (1993): 138-139.

²³² Blondel, "Getting Access to the Victims: Role and Activities of the ICRC,": 311.

authorities. If the reports and recommendations are ignored for an extreme period of time, and prison conditions worsen, then the ICRC contacts the media and makes public the information. The prisons in Rwanda are a recent case of the ICRC compromising its own principles in this manner.

In April 1994, the genocide began in Rwanda, and the number of detainees rose dramatically. In response, ICRC delegates increased visits to prisons in order to monitor the treatment of prisoners, and the conditions of detention.²³³ By May of 1994, the delegates began to express concern about the situation in the country's detention facilities. Overcrowding of the prisons became a serious problem, and ICRC delegates struggled to meet the massive number of detainees requiring registration, visits, and assistance.²³⁴ The delegates also attempted to provide food, medical assistance, and clothing for the prisoners. Although this is normally the responsibility of the detaining authority, in extreme conditions of neglect, stemming from the inability of the detaining authority to meet the basic needs of the detainees, the ICRC provides some basic necessities.²³⁵

From April to December 1994, the ICRC reported the terrible conditions to the Rwandan authorities, and urged the government to provide more space for prisoners, to detain fewer people, and to increase resources necessary for the well-being of the prisoners.²³⁶ The Rwandan authorities ignored the ICRC's repeated requests and

²³³ "Rwanda: one year on," ICRC News 14, 5 April 1995.

²³⁴ "Rwanda: one year on," ICRC News 14, 5 April 1995.

²³⁵ Daudin and Reyes, "How visits by the ICRC can help prisoners cope with the effects of traumatic stress," Chapter 2.

²³⁶ "Rwanda: ICRC increases staff for prison visits," ICRC News 18, 9 May 1995.

advice. Finally, on 14 December 1994, after almost nine months of witnessing conditions worsen, the ICRC decided to appeal to the international community for assistance.²³⁷ This was the first of a number of international appeals, press releases, and information reports concerning Rwandan prisons.

On 31 March 1995, for example, Cornelio Sommaruga, the President of the ICRC, issued a press release, giving the international community specific details of the prison conditions in Rwanda.²³⁸ Sommaruga said that conditions were rapidly deteriorating, largely due to overcrowding. He claimed that the prison population was growing by 1,500 people every week, and a number of prisons had up to four inmates per square metre of floor space throughout the compound, and up to six persons per square metre in the dormitories.²³⁹ In May 1995, delegates claimed that overcrowding conditions were worsening, and that in most prisons, the inmates had to take turns sitting down.²⁴⁰ On 24 May 1995, the ICRC reported that its delegates were having great difficulty moving around, due to the huge number of detainees. It was feared that more overcrowding would create a situation in which it would be impossible for ICRC visits to be carried out at all.²⁴¹ According to the Rwandan authorities, the federal prisons had a maximum capacity of 10,000 people. By July 1995, the ICRC reported

²³⁷ "Rwanda: ICRC sounds alarm on appalling prison conditions," ICRC Press Release 95/8, 31 March 1995.

²³⁸ "Rwanda: ICRC sounds alarm on appalling prison conditions," ICRC Press Release 95/8, 31 March 1995.

²³⁹ "Rwanda: ICRC sounds alarm on appalling prison conditions," ICRC Press Release 95/8, 31 March 1995.

²⁴⁰ "Rwanda: ICRC increases staff for prison visits," ICRC News 18, 9 May 1995.

²⁴¹ "Rwanda: prison conditions still appalling," ICRC News 21, 24 May 1995.

that the prison population had swelled to over 60,000, and that arrests were continuing.²⁴²

Another problem with the situation in Rwanda was that there were too few delegates assigned to the Rwandan prisons to cope with the rapidly increasing prison population. Sommaruga said in March 1995 that 120 delegates were making regular visits to over 30,000 detainees in 135 places of detention.²⁴³ By 9 May 1995, the number of detainees had increased to 36,000, and the ICRC delegates asked for extra staff to assist in monitoring and visiting prisoners.²⁴⁴ On 24 May 1995, the ICRC made public that ICRC delegates had registered over 43,000 detainees.²⁴⁵ By July, that number had grown to over 60,000.²⁴⁶

Yet another concern expressed by the ICRC was the health and physical safety of the detainees. The ICRC reported that overcrowding on such an extreme level resulted in:

disastrous hygiene conditions - and therefore the rapid spread of diseases, supply difficulties and exacerbated tension between the detainees. Indeed, in addition to the high death rate due to the conditions themselves, the situation has given rise to incidents which have claimed the lives of a number of detainees.²⁴⁷

²⁴² Tauxe, Jean-Daniel, "Why did the ICRC help to build prisons in Rwanda?", in *Red Cross Red Crescent*, Issue 1, 1996, 28.

²⁴³ "Rwanda: ICRC sounds alarm on appalling prison conditions," ICRC Press Release 95/8, 31 March 1995.

²⁴⁴ "Rwanda: ICRC increases staff for prison visits," ICRC News 18, 9 May 1995.

²⁴⁵ "Rwanda: prison conditions still appalling," ICRC News 21, 24 May 1995.

²⁴⁶ Tauxe, "Why did the ICRC help to build prisons in Rwanda?", 28.

²⁴⁷ "Rwanda: ICRC sounds alarm on appalling prison conditions," ICRC Press Release 95/8, 31 March 1995.

Additionally, the ICRC expressed concern in May 1995 that the volatility of overcrowding could result in a riot. Such a situation would be impossible to control, and would result in hundreds, if not thousands, of deaths.²⁴⁸

As a result of these conditions, and the Rwandan authorities' inability, or unwillingness, to improve the situation, the ICRC took an "extraordinary and unprecedented step."²⁴⁹ In May 1995, the ICRC offered to help the authorities build prisons to house the increasing number of detainees. The ICRC, in conjunction with a Rwandan interministerial commission, and United Nations agencies, set up six temporary places of detention, capable of housing 10,000 persons.²⁵⁰ In January 1996, the ICRC handed over the new centres of detention to the Rwandan authorities. At present, they are responsible for all the tasks normally associated with a federal place of detention.²⁵¹

Therefore, it is evident that the ICRC's mandate of neutrality, and its commitment to confidentiality, were compromised in the case of Rwanda. The ICRC decided that it was impossible to remain silent in the face of such appalling conditions. As an advocate for the victims of war, and a humanitarian organization committed to active neutrality, the ICRC had to make its information public knowledge for the sake of the prisoners. Jean-Daniel Tauxe, a writer for the Red Cross movement's magazine, argues that "(the ICRC) committed itself to taking an active role in the detainees'

²⁴⁸ "Rwanda," ICRC Information, 23 May 1995.

²⁴⁹ Tauxe, "Why did the ICRC help to build prisons in Rwanda?", 28.

²⁵⁰ Tauxe, "Why did the ICRC help to build prisons in Rwanda?", 28.

²⁵¹ Tauxe, "Why did the ICRC help to build prisons in Rwanda?", 28.

struggle for survival."²⁵² In the case of Rwanda, therefore, the ICRC voluntarily compromised its own fundamental principles, in the belief that it would ameliorate the situations of thousands of victims of war.

The danger of such an approach is evident, and has not escaped the attention of the ICRC. Neutrality, and a code of silence are its generally accepted practices, and it is essential to not speak out or compromise its neutral stance often, for the confidence of states and belligerents might be lost. The ICRC has weighed the risks, and has decided that in some very rare and extreme cases, such as the prisons in Rwanda, the rule of silence cannot be observed. Forsythe writes that the ICRC will only engage in publicity of violations if it is believed that such an act will assist victims, and ameliorate their conditions.²⁵³ Neutrality and silence, therefore, are generally observed by the ICRC, and are defended as the best way to gain belligerents' trust, and to meet its mandate of humanitarian assistance.

The ICRC has managed, in most cases, to maintain a neutral role when visiting political prisoners and detainees. Although it occasionally compromises its own guiding principles, it does so only under specific circumstances, such as a detaining authority releasing incomplete reports of delegates' visits, or extreme conditions, such as the overcrowding and disease in the Rwandan prisons. The ICRC's principle of active neutrality is a flexible concept, and has yielded generally positive results when applied

²⁵² For a defense of its decisions and activities in Rwanda, see the ICRC's magazine for Jean-Daniel Tauxe's article entitled "Why did the ICRC help to build prisons in Rwanda?" *Red Cross Red Crescent*, Issue 1, 1996, 28.

²⁵³ Forsythe, "Human Rights and the International Committee of the Red Cross," 281.

to prison visits.

The ICRC's mandate of neutrality has had less success, however, in other areas of its activity. Chapter Three examines the ICRC's role in civil, or internal ethnic conflict, and discusses the difficulties and challenges faced by the ICRC in such types of crisis. The ICRC claims to be a neutral humanitarian agency, committed to assisting all victims of war. Unfortunately, the ICRC's neutral stance has become a source of great confusion and concern. It appears that ICRC neutrality is not respected or understood in civil conflict, and this has resulted in several serious problems, including frequent attacks on ICRC workers.

Chapter Three
The Role of the ICRC in Internal Ethnic Conflict:
The Nature of Civil Conflict and
an Examination of Interrelated Problems

Every time anyone within the Red Cross is killed in the line of duty, our flag is lowered and a black banner is flown ...in 1995 and 1996...we lowered our flag more times than anyone can ever remember ...it just seemed to be constant...²⁵⁴

In the 1960s, several newly-independent states became actors on the international stage, and brought civil, and ethnic conflict to the world's attention. Although civil wars existed before the 1960s,²⁵⁵ observers claim that in the past four decades, this type of conflict has intensified, grown more brutal, and is more prevalent than ever before.²⁵⁶ This "new" conflict results in a dangerous situation for humanitarian aid organizations, such as the ICRC, because the "new" combatants are unaware, and uncaring, about the Hague and Geneva Conventions, and total warfare is the norm. Humanitarian assistance is therefore threatened by modern civil wars and ethnic armed conflicts.²⁵⁷

This chapter examines these assumptions and arguments. It is true that in the area of civil, or internal conflict, the International Committee of the Red Cross (ICRC) has faced

²⁵⁴ Denzil Helou, interview by author, tape recording, Windsor, Ontario, 6 November 1997.

²⁵⁵ For example, the Palestinian-Israeli conflict began in 1920; tribal war has existed in Africa since the 1800s; the tension between the North and South of the Sudan existed in the early 1950s; and there was a civil war in 1929 in Afghanistan between Northern tribes. For a discussion of these, and other civil wars before the post-colonialist period, see the individual country reports issued by the Minority Rights Group International.

²⁵⁶ Ted Gurr and Barbara Harff. *Ethnic Conflict in World Politics* (Boulder: Westview Press, 1994) Preface.

²⁵⁷ This argument is discussed in detail, later in this chapter, especially in the section entitled, The Targeting and Killing of ICRC Workers.

its greatest challenges, and has sustained its most significant losses. The chapter examines two specific areas where the ICRC has recently been severely tried as an humanitarian organization. First, the ICRC has suffered human losses. Volunteer staff and delegates have been placed in very serious danger in several of these internal conflicts, and in many cases, workers have been targeted and killed while carrying out their humanitarian duties.

The deaths of ICRC volunteers is in itself not a new occurrence. By the nature and situation of their work, ICRC workers have always been at risk when carrying out their duties. Deaths have occurred, either by accident, such as an airplane crash, or a general attack, such as a terrorist bombing in an open marketplace. These deaths occurred because the workers were in the wrong place at the wrong time. Russbach and Fink write that, "Before 1989, threats and attacks on staff of humanitarian organizations were rare; an incident was considered both a dramatic event and an accident."²⁵⁸ In the last ten years, however, circumstances surrounding the deaths of ICRC personnel have changed dramatically. Recently, workers have been specifically targeted and killed by combatants.

Second, the ICRC has lost confidence in its own symbols of neutrality, the red cross and red crescent, and the symbols' ability to command respect and ensure the protection and neutrality of workers and delegates. Recently, there has been discussion within the ICRC about changing the emblems, or at least including a third emblem that might be perceived as more neutral. The Council of Delegates met in Seville, Spain on the 26 and 27 of November 1997 to discuss the difficulties faced by the ICRC concerning the

²⁵⁸ R. Russbach and D. Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles," *Medicine and Global Survival* 1 (1 December 1994): 194.

neutrality of its symbols.²⁹⁸ At present, the ICRC has not officially announced a decision on the matter.

The attacking and killing of ICRC workers and the debate surrounding the emblems are not perceived by the ICRC as mutually exclusive problems. Several workers have argued that it is the loss of respect for the ICRC's neutral emblems which has directly endangered ICRC personnel. The argument follows that perhaps a third, more neutral symbol would be better able to protect the ICRC workers, and lessen the violence aimed at the ICRC's volunteers. One of the most vocal individuals on this point is the current President of the ICRC, Cornelio Sommaruga. He has written several articles and issued numerous press releases on the loss of respect for the red cross and red crescent, and the extreme danger that this poses to the workers as a result.²⁹⁹

This chapter examines these problems, as perceived by the ICRC, and articulated by Sommaruga. Although it is not incorrect to argue that such a relationship exists, it is erroneous to assume that the loss of respect for the emblem is the sole reason for the victimization of ICRC workers. The chapter examines the attacks and murders of ICRC workers, and discusses the reasons for the threatening environment in which the ICRC now works.

²⁹⁸ "Red Cross and Red Crescent Movement reaffirms attachment to its emblems," ICRC Press Release 97/33, 27 November 1997.

²⁹⁹ Cornelio Sommaruga, "Unity and plurality of the emblems", *International Review of the Red Cross*; "Improving respect for International humanitarian law: a major challenge for the ICRC," Fourth George Seward Lecture, International Bar Association, Geneva, 3 June 1994; "The Red Cross emblem," ICRC Press Release 97/26, 22 September 1997; "The red cross and red crescent emblems - special issue," ICRC News 97/39, 2 October 1997; "Red Cross and Red Crescent Movement reaffirms attachment to its emblems," ICRC Press Release 97/33, 27 November 1997.

The Targeting and Killing of ICRC Workers

Philippe Comtesse, the ICRC's Regional Delegate in Buenos Aires, argued in March of 1997 that, "...in the past few months attacks on ICRC representatives have occurred on an unprecedented scale."²⁸¹ Although the ICRC has not released any official statistics concerning the number of ICRC personnel attacked and/or killed, there were at least ninety-three deaths between May of 1992 and March of 1998.²⁸² This is definitely a conservative estimate.

An estimate of the number of attacks not resulting in death cannot be attempted; although the ICRC issues press releases deploring the killing of workers, it very rarely publicly condemns general attacks. This is strange, because it is generally acknowledged

²⁸¹ Philippe Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," *International Review of the Red Cross* 317: 143.

²⁸² One in Bosnia (May 1992), thirty-nine in Somalia (1992-1994), thirty-six in Rwanda (1994), see Michael Ignatieff, *The Warrior's Honour: Ethnic War and the Modern Conscience*, 128-133; three in Burundi (June 1996), see "Three ICRC delegates killed in Burundi," ICRC Press Release 96/20, 4 June 1996; six in Chechnya (December 1996), see "ICRC in shock: six delegates assassinated in Chechnya," ICRC Press Release 96/38, 17 December 1996; one in Cambodia (December 1996), see "ICRC deplors murder of employee in Cambodia," ICRC Press Release 97/01, 3 January 1997; two in Rwanda (September 1997), see "Three killed in Rwanda," ICRC Weekly News, 18 September 1997; one in Afghanistan (October 1997), see "ICRC deplors death of Afghan staff member," ICRC Press Release 97/29, 20 October 1997; two in the Republic of the Congo (November 1997 and January 1998), see "ICRC deplors death of Red Cross volunteer in Brazzaville," ICRC Press Release 97/31, 24 November 1997 and "ICRC denounces killing of employee in Kinshaka," ICRC Press Release 98/02, 13 January 1998; one in Sri Lanka (January 1998), see "ICRC deplors murder of employee in Sri Lanka," ICRC Press Release 98/01, 12 January 1998; and one in Sierra Leone (March 1998), see "Sierra Leone: ICRC deplors staff member's death," ICRC Press Release 98/13, 27 March 1998.

that such attacks occur constantly.²⁸³ Only three attacks have been publicized in detail. In March of 1995, ICRC aircraft in Bosnia were attacked, and this was condemned publicly by the organization.²⁸⁴ Second, an ICRC aircraft and its passengers were held hostage in the Sudan between November and December of 1996. Eventually, all three ICRC personnel were released unharmed.²⁸⁵ Third, on 15 April 1998, eight Red Cross/Red Crescent staff and two pilots were kidnapped in Somalia. On 20 April, the local television station broadcasted pictures of the kidnappers "threatening an ICRC delegate with his gun and issuing a ransom demand together with an ultimatum."²⁸⁶

Upon first consideration, the deaths of ninety-three ICRC workers and delegates in six years does not appear to be a disturbing figure. After all, the ICRC is involved in wars and conflicts which claim hundreds of thousands, if not millions, of victims. Comparatively, therefore, the losses suffered by the ICRC are relatively small. Although the truth of this perspective must be recognised, it is very important to recognise that before 1989 the threatening of ICRC workers was very rare, and before 1992 the deliberate killing of ICRC personnel was unheard of. It is apparent, therefore, that there is a definite trend occurring, and the ICRC greatly fears that it will continue, and only grow

²⁸³ Most authors at some point make a general reference to the huge number of unprovoked attacks on ICRC personnel. These authors include former ICRC delegates and individuals indirectly involved with the ICRC, for example, Ignatieff, Forsythe, Sommaruga, Comtesse, and Plattner.

²⁸⁴ "Sarajevo/Bosnia-Herzegovina: ICRC calls on belligerents to respect Red Cross emblem," ICRC Press Release 95/5, 13 March 1995.

²⁸⁵ "Sudan: ICRC team released," ICRC Press Release 96/37, 8 December 1996.

²⁸⁶ "Somalia: ICRC and International Federation extremely concerned by the plight of abducted staff," ICRC Press Release 98/16, 20 April 1998.

worse. These fears are not unfounded.

On 4 June 1996, three ICRC delegates were killed in Burundi while returning to a village.²⁶⁷ On 17 December 1996 in Chechnya, six delegates were shot and killed instantly while they slept.²⁶⁸ In Cambodia, an employee was murdered in the course of his duties on 3 January 1997.²⁶⁹ On 20 October 1997, an Afghan employee of the ICRC was killed while driving a truck of supplies; he was caught in a crossfire.²⁷⁰ In Congo-Kinshaka on 12 January 1998, an employee was killed by gunmen who then stole the ICRC truck that the victim had been driving on official business. This murder was the second time in less than six months in Kinshaka that ICRC workers were killed during the robbery of ICRC property.²⁷¹ On 22 March 1998, in Sierra Leone, a staff member and one of his children were caught in a crossfire and killed.²⁷²

There is a general feeling that all aid workers are in danger, not just those of the ICRC.²⁷³ Forsythe says that, "...it's not just the ICRC...the Red Cross symbol is as poorly

²⁶⁷ "Three ICRC delegates killed in Burundi," ICRC Press Release 96/20, 4 June 1996.

²⁶⁸ Francois Bugnion, "17 December 1996: Six ICRC delegates assassinated in Chechnya," *International Review of the Red Cross* 317 (January/February 1997): 140-142.

²⁶⁹ "ICRC deplores murder of employee in Cambodia," ICRC Press Release 97/01, 3 January 1997.

²⁷⁰ "ICRC deplores death of Afghan staff member," ICRC Press Release 97/29, 20 October 1997.

²⁷¹ "ICRC denounces killing of employee in Kinshaka," ICRC Press Release 98/02, 13 January 1998.

²⁷² "Sierra Leone: ICRC deplores staff member's death," ICRC Press Release 98/13, 27 March 1998.

²⁷³ Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," 144.

respected as the U.N. symbol or *Médecins Sans Frontières*. All of these people representing international agencies command no respect...that's the situation in which everybody works now."²⁷⁴ The cases of Rwanda and Tajikistan illustrate this point. As mentioned, the ICRC suffered the loss of three delegates in Burundi, and two other Red Cross workers were killed in September of 1997 in the Gisenyi region of Rwanda.²⁷⁵ On 18 January 1997, three volunteers of *Médecins Du Monde* were killed.²⁷⁶ Also, four human rights monitors representing the United Nations were killed in Rwanda.²⁷⁷ On 18 November 1997, two French aid workers were taken hostage in Tajikistan. On November 30, one of the hostages, a young woman, was killed during a rescue attempt.²⁷⁸

Aid organizations are questioning why these attacks are occurring so frequently. The most commonly advanced theory is that the increased number of civil or ethnic conflicts has drastically altered the nature of war, and that the results of these changes place workers in danger.²⁷⁹

The Rise of Civil and Ethnic Conflict

"Internal conflict", "civil conflict", and "non-international conflict" are synonymous terms in international relations; they refer to conflicts that occur within a state's borders

²⁷⁴ Forsythe, interview by author.

²⁷⁵ "Three killed in Rwanda," ICRC Weekly News, 18 September 1997.

²⁷⁶ "Rwanda," ICRC Press Release 97/03, 22 January 1997.

²⁷⁷ Frank Schmidt, "Recommendations for improving the security of humanitarian workers," *International Review of the Red Cross* 317 (January/February 1997): 152.

²⁷⁸ "Tajikistan: ICRC shocked by hostage's death", ICRC News 97/48, 4 December 1997.

²⁷⁹ Helou, interview by author.

wherein the combatants are often individuals who have previously co-existed peacefully. Such conflicts are therefore between citizens of the same state, neighbours who share territory.²⁸⁰ Jacobsen points out that although there has been a "relative absence of interstate violence since 1945", it is erroneous to assume that "violence has diminished and that the present period has been particularly calm..."²⁸¹ Instead, intrastate violence has increased, and filled the void left by the decline of interstate conflict. There are two main reasons for the increasing instances of internal conflict.

First, between 1960 and 1962, approximately thirty new states were created; this total rose to forty-four by 1970.²⁸² The sudden increase in the number of independent states inevitably resulted in intrastate cultural tensions that were discouraged or actively destroyed under colonial rule. Independence allowed different groups the freedom to explore their unique identity, but cultural differences often became the source of great controversy, and sometimes open civil wars.²⁸³ Some particularly striking cases include Nigeria (1967-1970), Angola (1975), and more recently the former Yugoslavia, and Rwanda.

Second, when the Cold War ended in the late 1980s, levels of internal armed conflict rose. Duffield argues that two major trends shape the post-Cold War era. First,

²⁸⁰ Marion Haroff-Tavel, "Internal Violence," *International Review of the Red Cross* 294 (May/June 1993): 195-220.

²⁸¹ Harold Jacobsen, *Network of Independence: International Organizations and the Global Political System* (New York: Alfred A. Knopf, 1979), 208 and 214.

²⁸² Georges Willemin and Roger Heacock (Under direction of Jacques Freymond) *The ICRC*, (Boston: Martinus Nijhoff Publishers, 1984), 29.

²⁸³ Willemin and Heacock, *The ICRC*, 29.

the world became more polarized and fragmented at the end of the Cold War.²⁸⁴ Minnear and Weiss support this argument; they explain that before the collapse of the Soviet Union, rival factions within small states were used as "pawns" in a "big-power chess game", and were therefore controlled by the superpowers and part of the U.S. and U.S.S.R. agenda.²⁸⁵ Wars were shaped by a logic that was centred around the dominance of the state system, and shared by state leaders. After the Cold War ended, however, the central systems of authority in a number of states collapsed, and rival groups were left to their own devices. Hostilities and tensions immediately exploded, and fragmentation occurred on an unprecedented scale. Wars were fought along ethnic, nationalist lines. More frequently, these conflicts were fought between rivals within states, not between rival states. Additionally, access to sophisticated weapons was simplified, due to the redistribution of arms stocks.²⁸⁶

Duffield's second observation of a post-Cold War trend is the growing absence of governments in smaller states formerly linked to one of the superpowers.²⁸⁷ The absence of a central authority or government, and of law and order, has led to an extremely dangerous situation for everyone within the states in question. Helman and Ratner used the term "failed states" to classify the states that lost their central authority after the end

²⁸⁴ Mark Duffield, "Managing the External Crisis," in *Aid Under Fire*, Published by the Department of Humanitarian Affairs. UNST/DHA (05) 17 (New York: United Nations, 1995):14.

²⁸⁵ Larry Minnear and Thomas G. Weiss. *Mercy Under Fire: War and the Global Humanitarian Community* (Oxford: Westview Press, 1995), 2.

²⁸⁶ Russbach and Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles,": 190.

²⁸⁷ Duffield, "Managing the External Crisis," 14.

of the Cold War. Failed states are usually embroiled in ethnic conflict, and are unable to develop and build their political, economic, and social infrastructures because of ongoing civil war.²⁸⁸ Afghanistan, Liberia, Rwanda, Somalia, Mozambique, and the Balkans are all examples of failed states.

The ICRC was the first international humanitarian organization to recognize the implications of the sudden emergence of a large number of newly-independent states. In the 1950s and 1960s the ICRC organized the Conferences of Experts to discuss the potential dangers and tensions in the rapidly changing international arena.²⁸⁹ The Experts noted the rapidly increasing number of newly-independent smaller states, and predicted that ethnic conflict would rise.²⁹⁰

When the 1977 Geneva Protocols were drafted by the ICRC at the request of the United Nations, the ICRC was mindful of the predictions of the Experts, and included specific articles applicable to non-international conflict.²⁹¹ Within these articles, the ICRC further solidified its role as a neutral humanitarian body by naming itself specifically as an organization that could assist in all civil conflicts.²⁹² In so doing, the ICRC attempted to

²⁸⁸ Gerald B. Helman and Steven R. Ratner, "Saving Failed States," *Foreign Policy* 89 (Winter 1992-1993): 3-20.

²⁸⁹ Geoffrey Best, *Humanity in Warfare: The Modern History of the International Law of Armed Conflicts* (London: Methuen & Co. Ltd., 1983), 315.

²⁹⁰ For a summary of the views put forth by the Conferences of Experts, see Jacques Meurant, "*Inter Arma Caritas: Evolution and Nature of International Humanitarian Law*," *Journal of Peace Research* 24 (1987): 237-247.

²⁹¹ See Protocol II "Relating to the Protection of Victims of Non-International Armed Conflicts" in Roberts and Guelff, *Documents on the Laws of War*.

²⁹² See in particular Article 12 of Protocol II, in Roberts and Guelff, *Documents on the Laws of War*.

achieve greater acceptance as an humanitarian actor. It was thought that the ICRC's status as a respected, well-known, neutral organization would ensure a potential working relationship between it and civil war combatants.²⁹³

Minnear and Weiss argue that internal wars have necessarily increased the need for humanitarian assistance.²⁹⁴ In the case of post-Cold War "failed states", lack of superpower interest in the development of the states' infrastructure has left a huge void that must be filled. Humanitarian organizations such as the ICRC are therefore engaging in activities which were traditionally considered the internal affairs of sovereign states. The ICRC is often the only organized medical assistance in a state, the only provider of food and clothing, and the only organization responsible for rebuilding destroyed villages and cities when any kind of peace is reached. In Somalia and Rwanda, the ICRC remained even after the United Nations had withdrawn its troops; for several months the ICRC was the only international organization working in the countries.²⁹⁵ In cases such as these the ICRC is often seen as the guardian of law and order, and it represents authority, organization, and humanitarian ideals. The negative implications of such a perception will be examined further in Chapter Four.

The ICRC therefore approached non-international conflicts believing that it was a respected organization, and that groups in conflict would perceive it as a source of neutral

²⁹³ Philippe Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," 143-144.

²⁹⁴ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 2-3.

²⁹⁵ See "Fact sheet: ICRC activities in Somalia," 30 September 1996; and "U.N. votes to pull out of Rwanda," *The Globe and Mail*, 22 April 1994, A1 and A11.

assistance. It was expected that its success in state conflict would continue at the civil level, that the red cross symbol would be protected and respected, and that it would be able to carry out its humanitarian duty to all the victims of war. Unfortunately, this has not been the case. ICRC personnel have come under attack, and numerous volunteers have lost their lives while performing their humanitarian duties. Three explanations are repeatedly offered to explain how civil or ethnic conflict has recently changed, and how these changes affect and endanger aid workers.

Changes in the Nature of Internal Conflict

First, it is argued that although the ICRC is a neutral organization, belligerents involved in civil or ethnic conflict do not understand the concept of neutrality. ICRC workers are not perceived as neutral, they are merely seen as interfering. This perception arises mainly from the fact that the origins and constitutions of all the larger, better-known, and wealthier humanitarian and development agencies are based in and funded by Western states.²⁹⁶ The ICRC is Swiss, MSF originated in France, CIDA is Canadian, and the U.N. human rights initiatives such as UNICEF and UNDP are largely supported by the Western member states of the General Assembly. Minnear and Weiss argue that most humanitarian workers who provide assistance come from Western countries, and work with Western organizations. There is therefore resentment on the part of smaller states in distress, because they feel that they are being dominated by the Western powers.²⁹⁷

This perception is heightened by the lack of cultural sensitivity exhibited by several

²⁹⁶ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 21-22.

²⁹⁷ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 22.

humanitarian organizations. There have been numerous cases of humanitarian agencies behaving in an ethnocentric manner. Perhaps the most-cited example of such humanitarian aid insensitivity is the ignorance of the agencies of Middle Eastern culture and religion. Cuny points out that Western Judeo-Christian organizations assist three-quarters of the world's Muslim population of refugees and victims of ethnic conflict.²⁹⁸ Western organizations have sent ready-to-eat meals containing pork to Muslim populations, and have shown themselves to be insensitive to the role of women in Muslim culture. On several occasions, female nurses and doctors have been sent to assist groups of Muslim men. One infamous example of cultural insensitivity occurred when the wife of a senior French humanitarian official appeared during the Persian Gulf Crisis with her head and arms uncovered.²⁹⁹

Additionally, there is very rarely any consultation about how to assist the victims of war, even of an informal nature, between humanitarian agencies and local groups already in place. The perception is, therefore, that the humanitarian agencies are not particularly interested in what the native population has to say, and that the humanitarian groups have their own ideas and will act as they see fit, regardless of cultural differences or traditional behaviours.³⁰⁰ Humanitarian assistance is therefore perceived as an outside force, an

²⁹⁸ Frederick C. Cuny, "Humanitarian Assistance in the Post-Cold war Era" in *Humanitarianism Across Borders*, ed. Larry Minnear and Thomas G. Weiss (Boulder: Lynne Rienner, 1993), 151-169.

²⁹⁹ For a detailed examination of Western cultural insensitivity in humanitarian assistance, see Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, Chapter 2.

³⁰⁰ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 206.

unwelcome invasion, and the workers as an intruding group of do-gooders. Workers of this type have no place in a conflict charged by ethnic divisions and tensions, especially when humanitarian personnel are unaware and indifferent to such ethnic distinctions and cultural biases. This places the workers in serious danger because if they are perceived as intruders, the ethnic groups in conflict will want them out. Violence against the ICRC and all aid workers is therefore a real threat.

Second, it is argued that the nature of internal war is far more violent than it used to be, largely due to rising ethnic tensions, and the prominence of ethnic groups in conflict. Ethnicity, nationalism and cultural values create an individual's sense of identity, and when these are threatened, the response is extremely violent, and passionate.³⁰¹ Therefore, not only are the murders of workers and delegates increasing in number, but the level of brutality is also rising.³⁰² For example, in Chechnya, the six sleeping victims were shot at such close range that there were powder burns on their bodies.³⁰³ In Rwanda in mid-September 1997, two Red Cross workers were ambushed and attacked in their vehicle. The truck was fired upon, and the driver lost control; when the truck stopped, the passengers were stabbed to death, their belongings were stolen and the vehicle was ransacked.³⁰⁴

The second and third arguments are interrelated, for they both address increasing violence in ethnic conflict. The third argument offered states that wars are now

³⁰¹ For an extensive discussion of this perspective, refer to Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics* (Boulder: Westview Press, 1994).

³⁰² Gurr and Harff, *Ethnic Conflict in World Politics*, Chapter 1.

³⁰³ Ignatieff, "Unarmed Warriors," 71.

³⁰⁴ ICRC Weekly News, 18 September 1997.

"unstructured", and a "lawless normality" dominates.³⁰⁶ Heiberg, the President of the Norwegian Red Cross, writes that when international wars were fought, the states engaged in conflict understood the rules of international law and, to a large extent, applied them.³⁰⁷ Ethnic groups, however, are not bound by the international laws of war, and are largely unaware of them. It is argued that this has led directly to the victimization of aid workers.³⁰⁷

According to the third argument, one manifestation of this "lawless normality" is that the combatants themselves have changed with the rising internal ethnic conflict. The combatants are very often children, who are completely unaware of the laws of war, and are armed with sophisticated military weapons.³⁰⁸ In Liberia in 1989, an estimated six thousand of the combatants were under the age of fourteen. ICRC workers reported that these child soldiers held up ICRC convoys with semi-automatic rifles and rocket-propelled grenade launchers. The children wore masks and assumed names such as Major Rambo and General Snake.³⁰⁹ For Liberia's child soldiers, the civil war that left more than a hundred and fifty thousand people dead was a game. They were immature, ignorant of the laws of war and the protected status of the ICRC, and had no real concept of who the ICRC workers were, what they were doing there or why.³¹⁰ They had no idea what the

³⁰⁶ Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view,": 145.

³⁰⁸ Astrid Noklebye Heiberg, "Handling the tragedy in Novye Atagi -The Norwegian Red Cross experience," *International Review of the Red Cross* 318 (March/April 1997): 318.

³⁰⁷ Heiberg, "Handling the tragedy in Novye Atagi -The Norwegian Red Cross experience,": 311-318.

³⁰⁸ Forsythe, interview by author.

³⁰⁹ Ignatieff, "Unarmed Warriors," 59.

³¹⁰ Ignatieff, "Unarmed Warriors," 59.

ICRC's position as a neutral humanitarian organization meant, and could not grasp the notion that the ICRC was there to help all the victims of war.

Another way in which modern combatants and conflicts are unique is the role that drugs play in the civil and ethnic wars. In Afghanistan, for example, the war has degenerated into vicious fighting for drugs and weapons between rival militias.³¹¹ Drug wars are becoming more prevalent within civil ethnic conflicts, and the ICRC reports that in several cases, the combatants themselves are heavily drugged.³¹² Forsythe supports this argument, pointing out that children soldiers and drugs are becoming a more frequent combination in internal ethnic wars.³¹³

Graça Machel, the widow of the former President of Mozambique, has studied child soldiers at the request of the United Nations. She points out that in most traditional societies, honour and discipline are associated with virility and manhood. Restraint and self-control are central to the male identity.³¹⁴ However, the predominantly male child soldiers of modern combat are identifying with a very different vision of manhood - that of the wild sexuality of adolescence. Ignatieff writes that "war has always had its sexual dimension", but when the ICRC enters conflicts such as Bosnia, with adolescent boys in "dark glasses and tight-fitting combat khakis" it entered a "zone of toxic testosterone."³¹⁵

³¹¹ Ignatieff, "Unarmed Warriors," 59.

³¹² Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," 143-144.

³¹³ Forsythe, interview by author.

³¹⁴ Discussed in Michael Ignatieff, *The Warrior's Honor: Ethnic War and the Modern Conscience* (Toronto: The Penguin Group, 1998), 127.

³¹⁵ Ignatieff, *The Warrior's Honor*, 127.

Although no formal studies have been done about female child soldiers, it is widely acknowledged that they exist.³¹⁶ The girls are also heavily armed and usually drugged, and equally ignorant of the laws of war and the role of the ICRC.³¹⁷

This new breed of combatant does not care about laws and rules, instead, he or she arbitrarily kills anyone who is perceived as the enemy, and anyone who is perceived to help the enemy. They do not understand the concept of neutral assistance. According to this theory, the ICRC and other aid agencies are obstacles to the complete genocide of a rival ethnic group. Because they are an obstacle, they must be removed, and the use of force is the only way that the new combatants understand this to be possible.³¹⁸

Ignatieff writes that what has been lost with the emergence of the new breed of combatants is the dignity and honour of the warrior. Organized armies train to kill, but they also teach discipline, self-control, the laws of war, and how to show compassion to victims.³¹⁹ Modern combatants, however, are predominantly trained to kill, without compassion, mercy, or restraint. Self-discipline is not instilled in them. They select their targets indiscriminately, and humanitarian aid workers are often victimized.

The final two arguments, therefore, state that the main reason that ICRC workers

³¹⁶ Rachel Brett and Margaret McCallin, *Children - The Invisible Soldiers* (Sweden: Radda Barnen, 1996).

³¹⁷ For a discussion about child soldiers in general, and specific information about female child soldiers, please see the newsletters of two organizations in particular. Both are accessible on the internet. First, "Save the Children", which is based in the U.K. and in Sweden, (www.rb.se). Second, UNICEF has a news service called "Gemini", (<http://www.oneworld.org/gemini/june/angola/html>).

³¹⁸ Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," 145.

³¹⁹ Ignatieff, "Unarmed Warriors," 70-71.

are targeted and killed is because ethnic conflict is lawless, and the ICRC's neutrality is not understood. All humanitarian aid organizations are therefore lost, and humanitarian assistance is a dinosaur. It is part of a system of law and order that has disappeared due to ethnic conflict. This argument is compelling, but it is not correct. It contains enough half-truths to gain legitimacy, but upon closer examination, several flaws and contradictions emerge.

First, the ICRC has only come under attack very recently. On 20 December 1988, the ICRC withdrew from Lebanon after a worker was held hostage for almost a month. He was released unharmed, but the ICRC was warned to leave the country, and the lives of the remaining workers were threatened. The ICRC's decision to withdraw from Lebanon was the first time in the organization's 125-year history that such an action was undertaken.³²⁰

Since 1988, however, the ICRC has withdrawn from several missions and suspended operations in a number of states.³²¹ What has happened in the last ten years that has resulted in the ICRC voluntarily leaving a country in crisis, in order that its workers remain safe? According to the popular argument, ethnic tension is the cause of the attacks on workers. As explained above, internal ethnic conflict is argued to be a more brutal, lawless type of war, largely due to a new breed of combatant. The popular argument put forth by the ICRC is that a combination of these three factors, augmented

³²⁰ "Red Cross withdraws from Lebanon," *The Globe and Mail*, 21 December 1988, A11.

³²¹ The ICRC has withdrawn from several states, including Ethiopia, Somalia, Burundi, Rwanda, Bosnia, Chechnya, Cambodia, Afghanistan, and the Republic of the Congo, among others.

by the post-Cold War tensions of a larger number of newly-independent states, has resulted in a very dangerous situation for the ICRC.³²² In the past fifteen years, ethnic conflict has increased dramatically, while interstate conflict has virtually ceased. The ICRC has therefore been more active in civil wars in the past fifteen years than ever before. Because internal ethnic conflict is perceived to be synonymous with brutal violence, lawlessness, and drugged child soldiers, then it follows naturally that as ethnic conflict becomes more common, attacks on the ICRC increase simultaneously.

When considering this argument, several questions and problems emerge. If this argument is to be accepted, then it must be assumed that something has happened in the last ten years that makes modern ethnic and civil wars unique. Somehow wars have become more violent and lawless, and the combatants more brutal. Something happened ten years ago which set conflicts after 1988 apart from the conflicts that came before. But is this argument correct? This thesis argues that the popular argument is largely flawed, and that violence in ethnic conflict has always existed.

The war between the Israelis and Palestinians, for example, has been split along religious and ethnic lines since the turn of the century, and violence in the state has been constant since 1920.³²³ The clashes between these two groups began in April 1920 in

³²² Claudio Caratsch, "Humanitarian design and political interference: Red Cross work in the post-Cold war period," *International Relations* 11 (April 1993): 301-313.

³²³ Although religious differences between the Muslims and the Zionists are generally thought to be the cause of the Palestinian-Israeli tension, they are, in reality, just one part of the conflict. In Israel, religion is combined with differences in class, and nationality. Therefore, ethnic differences are magnified and exacerbated by Arab nationalism and poverty. The Jews have benefitted from Western (primarily American) interests, and also occupy the majority of the positions of power in the country's government and businesses. See Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics* (Boulder: Westview Press, 1994), 25.

Jerusalem, then spread to Tel Aviv, Jaffa, and the surrounding areas. Some of the more infamous clashes are the Arab Revolt of 1936-1939, the June 1967 War, and the 1987 "intifada" (uprising) of the Palestinians. Thousands of people were killed in these three conflicts alone.³²⁴ After the partition of Israel by the United Nations in 1947,³²⁵ the Palestinians organized guerilla groups to engage in military action against the state of Israel.³²⁶ However, some groups carried the violence outside the state's borders, and targeted individual Jews. For example, the Black September Organization kidnapped and murdered eleven Israeli athletes at the 1972 Olympics in Munich.³²⁷ In the 1970s and 1980s, terrorist bombings, murders, and airplane hijackings became standard practice for some of these groups, and the number of victims, mostly civilians and foreigners, is estimated to be in the thousands.³²⁸

A second example of violent ethnic conflict before 1988 is the Sudanese ethnic war.³²⁹ In the Sudan, religion is considered a political, nationalistic issue, with the Northern

³²⁴ Deborah J. Gerner, *One Land, Two Peoples: The Conflict Over Palestine* (Boulder: Westview Press, 1991), 26-47.

³²⁵ Noam Chomsky, *Peace in the Middle East? Reflections on Justice and Nationhood* (New York: Random House, 1974), 50.

³²⁶ Some examples of Palestinian groups include the Palestine Liberation Organization, the Arab Liberation Front, the Palestine Liberation Army, and Hamas.

³²⁷ Gerner, *One Land, Two Peoples: The Conflict over Palestine*, 90.

³²⁸ Gerner, *One Land, Two Peoples: The Conflict over Palestine*.

³²⁹ The war is fought between the Arab Muslim majority, concentrated in the North (approximately 40 percent of the country's population) and the African Christians, located mostly in the South (5 percent of Sudan's population). The division between these two groups is confused by non-Arab Muslims, who do not identify with the Northern Muslims. Although they share a common religion, the Southern Muslims adopt a Christian identity in order to distinguish themselves from the Arab Muslims. Additionally, there are thousands of people in the South who are of neither religion, and

Arab-Muslim majority dominating and oppressing all non-Arabs, and non-Muslims.³³⁰ In 1956, Sudan received its independence from Britain, and in 1957, one year after independence, an Islamic government was created, with the *sharia* serving the whole of the legislation.³³¹ In 1963, the Christian Anya-Nya guerilla army was founded, and the first Sudanese civil war broke out.³³² The situation steadily worsened until 1972, when the Addis Adaba Agreement was passed in the parliament. Under the agreement, the extremist position of the Muslim majority was dropped. The Southern regional government was formed, and English was once again recognised as an official language in the South. Additionally, freedom of religion was ensured, thereby protecting Christianity.³³³ The civil war ceased, but in 1983, the second civil war began, and it was far more serious than the first.

The Sudanese civil war reignited because the South felt that the Addis Adaba Agreement was government propaganda, intended to pacify the situation, yet not

are considered pagan. See John Obert Voll and Sarah Potts Voll, *The Sudan: Unity and Diversity in a Multicultural State* (Boulder: Westview Press, 1985), 6-23.

³³⁰ Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 23.

³³¹ The *sharia* is a religious law that is the foundation of Islamic national identity. The Muslim majority in the government attempted to remove all foreign (English or Christian) influences from the South. Arabic became the administrative and educational language, Friday replaced Sunday as the weekly day of rest in the South, and all Christian missionaries were expelled from the Sudan in 1964. Peter Verney, *Sudan: Conflict and minorities*. Report issued for the Minority Rights Group International (August 1995): 12.

³³² Carolyn Fluehr-Lobban, "Islamization in Sudan: A Critical Assessment," in *Sudan: State and Society in Crisis*, ed. John O. Voll (Bloomington: Indiana University Press, 1991): 80.

³³³ Dunstan M. Wai, *The African-Arab Conflict in the Sudan* (New York: Africana Publishing Company, 1981), 158-162.

committed to any significant changes.³³⁴ Additionally, Prime Minister Nimeiri was under constant attack. His Northern Arab Muslim supporters felt that he had given too much to the South, and the South was constantly agitating for more freedom, and independence. In September 1983, he declared that the *sharia* would be immediately reinstated in the Sudan.³³⁵

Since the "September Laws", Sudan has been at war with itself. Approximately three million people have been killed, and another five million are displaced, internal refugees.³³⁶ Currently, the Sudan is an "internationally isolated pariah state", with no economic or social structure, and no conclusion of the war in sight.³³⁷

Nigeria is a third example of an ethnic, civil conflict that took place before 1988. Between 1966 and 1970, over two million people, mostly civilians, died in the war of Biafran independence.³³⁸

As shown above, the ethnic conflicts that are taking place now are not new, and the violence inherent in them is also nothing that has not occurred before. Therefore, the perspective that increased ethnic and nationalist affiliation is responsible for increased violence is a fallacy. How can it be argued that ethnic conflicts are more violent now when

³³⁴ The Prime Minister, Colonel Jaafer Mohammed Nimeiri, often intervened in Southern affairs. His military regime did not allow full freedom for elections, revenues, or security issues in the South. Verney, *Sudan: Conflict and minorities*, 12.

³³⁵ Carolyn Fluehr-Lobban, "Islamization in Sudan: A Critical Assessment," : 81.

³³⁶ Philip Johnston "Relief and Reality," in *A Framework for Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters* ed. Kevin M. Cahill (New York: Basic Books, 1993), 194.

³³⁷ Verney, *Sudan: Conflict and minorities*, 9.

³³⁸ The case of the Nigerian civil war is discussed in detail below.

millions of people were killed in such conflicts before 1988? As Comtesse writes, to disregard this fact is to "make light of the sufferings of the countless victims of past ethnic wars and genocide."³³⁹

A second weakness of the popular argument is that it assumes that the nature of war has changed due to the occurrence of ethnic genocide. Not all ethnic tensions result in genocide, but there have been several recent examples of attempts to completely destroy entire groups of people. Supporters of this argument point to the case of the former Yugoslavia to show the emergence of "ethnic cleansing".³⁴⁰ However, the concept of annihilating entire peoples is also nothing new in ethnic warfare. In Yugoslavia in 1941, the Croatian fascist party Ustashi massacred approximately three-quarters of a million Serbs, because the Serbs were allegedly tainted with inferior blood.³⁴¹ What happened in Yugoslavia in the early 1990s, therefore, was almost exactly the same as what had occurred fifty years earlier.

Another example of ethnic genocide is the case of Nigeria.³⁴² Although ethnic

³³⁹ Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view,": 144-145.

³⁴⁰ Gurr and Harff, *Ethnic Conflict in World Politics*, 2.

³⁴¹ Edmund Paris, *Genocide In Satellite Croatia* (Chicago: American Institute for Balkan Affairs, 1961), 132-133.

³⁴² When Nigeria was granted its independence from Britain in 1960, it had a central, federal government (Lagos), but the country was also divided into three main regions. First, the Eastern Region (Biafra) was dominated by the Ibo people, and Christianity and native animism were the major religions. Second, the Western Region, which was predominantly Yoruba, and which was both Christian and Muslim. Third, the Northern Region, dominated by the Hausa-Faluni, and largely Muslim. Although these three ethnic groups predominated, there were approximately thirty other major groups, and hundreds of other sub-groups and minor ethnic groupings, all culturally, linguistically, and religiously distinct. See Andrew Brewin and David MacDonald, *Canada and the Biafran Tragedy* (Toronto: James Lewis & Samuel, Publishers,

tension existed between the country's three major tribes, and the federal government, at the time of Nigerian independence from Britain in 1960, it did not manifest itself into violence until 1966. At that time, the Eastern Region of Biafra declared its independence from Nigeria.³⁴³ The Nigerian federal authorities responded with widespread pogroms, in which the Nigerian Army selectively killed Biafran civilians. An estimated 30,000 Ibos lost their lives in the 1996 massacres.³⁴⁴

Despite the attacks by the federal authorities, Biafra continued to declare its independence. In 1967, the federal government occupied major cities in Biafra for six weeks, and intensified the massacres on the Ibos.³⁴⁵ The Biafrans organized an army, and the civil war began in earnest. The war continued for over two years, and an estimated two million lives were lost. The Nigerian Army was particularly brutal, openly engaging in genocide, torture, and war crimes against civilians.³⁴⁶ The authorities also deliberately imposed a famine, and by 1968, 500,00 children were estimated dead from the famine.³⁴⁷

Cambodia is yet another example of genocide. Pol Pot's Khmer Rouge (KR)

1970), 54-63.

³⁴³ Raph Uwechue, *Reflections on the Nigerian Civil War: Facing the Future* (New York: Africana Publishing Corporation, 1971), 5-6.

³⁴⁴ Brewin and MacDonald, *Canada and the Biafran Tragedy*, 65; also Frederick Forsyth, *The Biafra Story* (Great Britain: Cox and Wyman Ltd., 1969), 209.

³⁴⁵ Forsyth, *The Biafra Story*, 209.

³⁴⁶ In *The Biafra Story*, Forsyth describes the "greatest single massacre" in 1967, in which 700 Ibo men were lined up and shot. He also states that in 1968 the Nigerian Army massacred a total of 5,000 people in five towns. See page 210.

³⁴⁷ Forsyth, *The Biafra Story*, 209.

inflicted massive genocidal suffering upon the Cambodian ethnic minorities.³⁴⁸ Between 1975 and 1979, approximately one million ethnic minorities, mostly women, children, and the elderly, lost their lives to the "killing fields" of the Communist regime.³⁴⁹ The four minority groups were persecuted for a variety of different reasons. The Cham-Muslims, for example, were massacred because the Khmer Rouge, as an atheist Communist regime, attempted to abolish religion in Cambodia.³⁵⁰ Although the Khmer Loeu were initially favoured by the KR, due to their dominant peasant population, the highlanders did not fully understand the Khmer Rouge's political ideology. By 1976, the Loeu were forced to speak Khmer, and abandon their traditional language. When they resisted, they were slaughtered.³⁵¹ The Chinese were primarily city-dwellers, and fled the country to avoid being victimized. The Vietnamese suffered because they were perceived as "outsiders", with a designated home country, and not true Cambodians. The KR forced thousands of ethnic Vietnamese out of Cambodia, and then murdered tens of thousands of others.³⁵²

To argue that modern ethnic groups have a new goal in wanting to eliminate rival

³⁴⁸ Cambodia's ethnic minorities are divided into four groups: the Cham-Muslims, the Khmer Loeu (translated as "highlanders" or "hill tribes"), the Chinese ethnic community, and the Vietnamese. *Minorities in Cambodia*. Report issued for the Minority Rights Group International (June 1995), 8.

³⁴⁹ David A. Ablin and Marlowe Hood, ed., *The Cambodian Agony* (New York: M.E. Sharpe, Inc., 1990), 7.

³⁵⁰ *Minorities in Cambodia*, 10-11.

³⁵¹ H. Locard, "Hunting KR roots among hill tribes," *Phnom Phen Post*, 20 May-2 June, 1994, 16.

³⁵² Michael Vickery, *Cambodia: 1975-1982* (Boston: South End Press, 1984). For a detailed discussion of the fate of these two groups, see in particular Chapter 3.

groups is false. Some modern groups engaged in ethnic conflict have the same goal as did ethnic groups at war decades ago: they want the complete annihilation of their rivals.

The notion, therefore, that somehow the nature of war has become more violent is wrong. Violence was a part of ethnic conflict long before 1988, and is therefore not reserved to modern warfare. Modern ethnic conflicts are not unique, nothing earth-shattering has happened since 1988 to change the nature of ethnic violence. To say that modern violence is somehow more brutal, and that ethnic genocide is an indication of this increasing level of violence, is a false argument.

The popular argument also claims that the combatants of internal and ethnic war themselves have changed. As Ignatieff argues, modern ethnic fighters do not honour humanitarian law, nor do they comprehend neutrality in humanitarian aid. Again, this is a powerful argument and has merit, but it is not completely true.

It is the case that modern combatants in civil and ethnic conflict are largely unaware of the laws of war. This cannot be denied. Leaning writes of Somalia in 1992: "Virtually no one with a weapon had heard of the Geneva Conventions."³⁶³ The leaders of ethnic independence movements, drug wars, and guerilla groups do not disseminate the idea of humanity in warfare, nor are combatants in these types of warfare trained to restrain themselves, or behave in a merciful manner toward their enemy. The danger of this popular argument, which Ignatieff supports, is that it refers only to combatants in civil or ethnic wars. But to restrict this type of behaviour only to modern combatants engaged in these types of conflicts is wrong. There are cases of Western soldiers and U.N.

³⁶³ Jennifer Leaning, "When the system doesn't work: Somalia in 1992," in *A Framework for Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters*, ed. Kevin M. Cahill (New York: Basic Books, 1993).

peacekeepers trained in the laws of war behaving in a way that brutally disregards these laws, and some of these incidents took place before 1988.

American activity in the Vietnam war, for example, was conducted without regard for the Hague or Geneva Conventions. Perhaps the most well-known atrocity is the 1968 My Lai Massacre, in which the American infantry slaughtered the entire village of 200 Vietnamese in less than three hours. The victims comprised almost exclusively of old men, women and children. The soldiers raped most of the women, and also tortured several old men for information, before killing them.³⁶⁴

The My Lai Massacre violated a number of provisions included in the 1949 Geneva Conventions. Article 3(2) of the "1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War" states that persons taking no active part in the hostilities shall not be subjected to, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture."³⁶⁵ Also, Article 27 of the 1949 Geneva Convention IV states "Women shall be especially protected against any attack on their honour, in particular against rape...or any form of indecent assault."³⁶⁶

Although My Lai is a famous example of American disregard for the laws of war, other lesser-known incidents also occurred in Vietnam. Article 23(a) and subsection (e) of the "1907 Annex to the Hague Convention IV Respecting the Laws and Customs of War on Land" state that, "...it is especially forbidden - To employ poison or poisoned weapons;

³⁶⁴ Joseph Goldstein, Burke Marshall, and Jack Schwartz, *The My Lai Massacre and Its Cover-up: Beyond the Reach of Law? The Peers Commission Report*. (New York: The Free Press, 1976), 44-47.

³⁶⁵ Roberts and Guelff, *Documents on the Laws of War*, 273.

³⁶⁶ Roberts and Guelff, 282.

To employ arms, projectiles, or materials calculated to cause unnecessary suffering.³⁶⁷

In March 1964, the American airforce began to drop napalm bombs on Vietnam. Napalm is a gasoline, jelled into a mass about the consistency of honey. When it drops, it ignites, and spreads fire approximately 200 or 300 feet around the initial point of impact. Sometimes, there is a "secondary explosion", which is a second explosion of the bomb, and spreads the napalm another 200 feet. Napalm kills in two ways: by burning and asphyxiation. If a victim is within 50 feet of the bomb when it hits the ground, he or she usually dies immediately. Generally, however, if the person is further away than that, their death is horribly slow and painful. They either burn to death, or they suffocate from the toxic fumes.³⁶⁸

Vietnam is therefore an infamous example of an organized military, well aware of the Hague and Geneva Conventions, blatantly disregarding the restrictions on weapons and soldiers' activities. Another, more recent example of an army engaging in deliberate atrocities against civilians, is the Canadian Somalia Affair.³⁶⁹ At 8:45 P.M. on 16 March 1993, an unarmed sixteen-year-old Somali youth, named Shidane Abukar Arone, was captured by two Canadian soldiers on their rounds. He was bound by his ankles and wrists, and had a baton stuck between his arms and his body, behind his back. For the

³⁶⁷ Roberts and Gueff, 52.

³⁶⁸ Seymour Melman, **In the Name of America: The conduct of the war in Vietnam by the armed forces of the United States as shown by published reports, compared with the Laws of War binding on the United States Government and on its citizens** (Virginia: The Turnpike Press, 1968), 269-271.

³⁶⁹ The following account of events is from **Dishonoured Legacy: The Lessons of the Somalia Affair. Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. Volume 1.**

next three hours, he was tortured, severely beaten, and a little after midnight, he died.³⁶⁰ Although accounts of Arone's torture and death vary, there is no denying that Master Corporal (Mcpl) Clayton Matchee was responsible for the youth's death. Matchee was heavily intoxicated at the time,³⁶¹ and although other men may have been involved, either directly, by participating in the beating, or indirectly, through their silence, the Canadian Somalia Commission found Matchee guilty of Arone's murder.

It cannot be claimed therefore that the modern combatants of ethnic and internal conflict are unique in deliberately violating the laws of war. Discipline is a problem for all armies, organized or not. To argue that modern ethnic fighters are less respectful of the laws of war is an unfair argument, and disregards and dismisses the actions of trained, supposedly disciplined combatants.

What, then, is the reason for the increasing number of attacks against the ICRC and humanitarian workers in general? If the cause is not the level of violence, nor the goals of the combatants, then what has changed, especially in the past ten years, to lead to such frequent attacks and killings? If the answer cannot be found outside the humanitarian organizations, then perhaps something has happened within the organizations themselves. Maybe something has happened to the perceptions of humanitarian aid itself. Have combatants developed a false or negative impression of humanitarian aid, and this is the reason for the attacks?

This latter possibility occurred to the ICRC. Between 19 and 22 of January 1997,

³⁶⁰ Dishonoured Legacy: The Lessons of the Somalia Affair. Volume 1, 320-324.

³⁶¹ Dishonoured Legacy: The Lessons of the Somalia Affair. Volume 1, 324.

it organized a meeting of the heads of delegation and regional delegates to discuss factors which create a potentially dangerous situation for its workers.³⁶² The meeting was organized in response to the tragic events that had affected the ICRC in 1996.³⁶³ Schmidt writes that the ICRC realised that it needed to "reassess security and humanitarian action on behalf of conflict victims."³⁶⁴ At the meeting, it was suggested that the problem could be the emblems of the red cross and red crescent. Perhaps the emblems have come to represent cultural and religious distinctions, and the ICRC's workers may have become targets due to the unintentioned symbolism of the emblems themselves.³⁶⁵ If this is true, then the red cross and red crescent have lost their neutrality, and also the ability to identify and protect the people who work under them. It has been accepted by many leaders in the ICRC humanitarian movement that the emblems themselves are a large part of the problem, and that a new symbol is needed.

The Symbols of the Red Cross and Red Crescent

Cornelio Sommaruga, the current President of the ICRC, writes that a primary concern of the ICRC is "securing absolute respect for the emblems."³⁶⁶ Recent attacks on

³⁶² Schmidt, "Recommendations for improving the security of humanitarian workers,": 152.

³⁶³ The assassination of a total of ten ICRC staff members in Burundi, Chechnya, and Cambodia, and the murder of three *Médecins Du Monde* volunteers, and four United Nations human rights monitors in Rwanda.

³⁶⁴ Schmidt, "Recommendations for improving the security of humanitarian workers,": 152.

³⁶⁵ Schmidt, "Recommendations for improving the security of humanitarian workers,": 152-153.

³⁶⁶ Cornelio Sommaruga, "Unity and plurality of the emblems," *International Review of the Red Cross* (date and volume number unknown): 333.

ICRC workers and delegates have taken place in clearly-marked vehicles and buildings, and with the red cross and red crescent prominently worn on the victim's clothes. Flagrant disrespect for the symbols is evident, and the ICRC finds this situation very disturbing.³⁶⁷

One possible solution to this problem is the adoption of a third neutral and protective emblem. Many suggestions have been made concerning possible emblems, including a red diamond.³⁶⁸ The advantage of the red diamond is that it is religiously and culturally neutral; although the red cross is not a religious symbol, it is often perceived as such.³⁶⁹ Frank Schmidt, Head of the ICRC Department of Operations, writes that, "The red cross emblem is perceived as a Western, Christian symbol."³⁷⁰

This perception is shared by members of the national societies. Within the national Red Cross societies, in the 1930s, there were several debates concerning the religious symbolism of the emblem.³⁷¹ The Middle Eastern national societies were especially insistent on this point. They argued that the red cross had religious significance, and argued that this offended the Islamic faction of the movement. They demanded that the red crescent be adopted to allow populations of certain countries to identify with the humanitarian movement. Though well-intentioned, the decision to adopt a second emblem

³⁶⁷ For an overview of the misuse and abuse of the symbols, see Habib Slim, "Protection of the red cross and red crescent emblems and the repression of misuse," *International Review of the Red Cross* 272: 420-437.

³⁶⁸ "The Red Cross Emblem," ICRC Press Release 97/26, 22 September 1997.

³⁶⁹ "The Red Cross Emblem," ICRC Press Release 97/26, 22 September 1997; and "The red cross and red crescent emblems - Special issue," ICRC News 97/39, 2 October 1997.

³⁷⁰ Schmidt, "Recommendations for improving the security of humanitarian workers," 152.

³⁷¹ Helou, interview by author.

was a mistake; by allowing a second emblem, based on religious affiliation and cultural distinctiveness, the ICRC introduced a religious division into the movement.³⁷² The ICRC's key principle of universality was also challenged because it appeared that the movement gave preferential treatment to Christianity and Islam.

After the adoption of the second symbol, the Red Lion and Red Sun of Iran were added, and then the National Society in Israel asked that the Red Shield of David also be adopted.³⁷³ The first two symbols were soon discarded because nobody knew that these national societies were affiliated with the Red Cross. The Red Shield is still used by the Israeli society, but it is not formally recognised by the ICRC as a legitimate emblem associated with the Red Cross movement.³⁷⁴ Sommaruga writes that several national societies have "applied for the recognition of various emblems corresponding to their particular religious, philosophical, or ethnic aspirations."³⁷⁵

This has created a split within the movement itself, and makes it more difficult for the ICRC to deny that any religious significance exists in the symbol of the red cross. This is why the red diamond is an attractive proposition, as it has no religious, ethnic, or political connotations.

Though well-intentioned, the debate concerning the red diamond is misguided, and it is wrong. Most critically, it does not address the core of the problem: it does not explain

³⁷² Sommaruga, "Unity and plurality of the emblems,": 334-335; and Donald D. Tansley, *Re-appraisal of the Role of the Red Cross. Final Report. An Agenda for Red Cross.* (Geneva: Henri Dunant Institute, 1976), 125-127.

³⁷³ Tansley, *Re-appraisal of the Role of the Red Cross*, 125-126.

³⁷⁴ Denzil Helou, interview by author, tape recording, Windsor, Ontario, 6 November 1997.

³⁷⁵ Sommaruga, "Unity and plurality of the emblems,": 336.

why ICRC workers and delegates are actually targeted. The adoption of a third symbol makes the assumption that the symbols used at present are somehow deficient. It is assumed that the combatants engaging in violence are attacking the religious and cultural aspects of the symbols, and if these aspects are removed, then the attacks will stop. This is not entirely convincing.

Perhaps the best way to show that the symbols themselves are not the motivating factor in the attacks is to point out that it is not only the ICRC and national Red Cross societies that are in danger. All humanitarian groups have suffered losses.³⁷⁶ This suggests that it is not the emblems which are causing the problems; organizations without such symbols are equally at risk. Humanitarian aid itself is under attack, and because the ICRC is the leading international humanitarian agency, and is present in almost every conflict, it is targeted. If this is the case, then the attacks and killings will continue. It absolutely does not matter what is on the flag flying over the hospital, or what is painted on the side of a truck.

In all the cases of the target and murder of workers and delegates, the victims have been chosen because of who they are. They have been targeted and singled out for some reason. A statement is being made. There is something very deliberate and planned about the attacks on humanitarian workers. In the case of Chechnya, the delegates were killed at 4:00 A.M. All six victims were sleeping, and their killers scaled a high wall, wore masks, and had silencers on their guns. They knew exactly where the ICRC delegates were

³⁷⁶ As noted above, three members of *Médecins Du Monde* and four United Nations human rights monitors were killed in Rwanda; also one worker from a French humanitarian group was killed in Tajikistan.

sleeping, and how many of them there were.³⁷⁷

Bugnion argues that this was not a random act of violence - this was an execution. The assassins knew exactly who they were looking for, and the only victims that morning were ICRC personnel. Bugnion points out that the killers spared the two Chechen interpreters sleeping in the room with the delegates. Also, the two Chechen guards that the assassins encountered were struck, but were not killed.³⁷⁸ Heiberg writes that one of the delegates from the Norwegian Red Cross survived the attack by pretending to be dead from a gunshot wound to the shoulder, and heard the killers' conversation. The assassins knew that the two remaining people in the room were Chechen, and they also knew that there were other ICRC personnel in the building.³⁷⁹ Bugnion writes that an investigation conducted since the murders has indicated that the intruders intended to kill all remaining ICRC personnel, but were interrupted when the alarm sounded.³⁸⁰ It is therefore evident that the murders in Chechnya were deliberately planned, and had a specific intent.

The ICRC claims to be a neutral humanitarian agency, committed to assisting all victims of war. However, evidence suggests that the ICRC specifically, and humanitarian assistance in general, has come to represent something extremely negative to a number of combatants engaged in modern warfare. Chapter Four examines reasons why aid agencies are not always welcome in civil or ethnic conflict. Several possible explanations

³⁷⁷ These events are described in Ignatieff, "Unarmed Warriors," 71.

³⁷⁸ Bugnion, "17 December 1996: Six ICRC delegates assassinated in Chechnya," 140.

³⁷⁹ Heiberg, "Handling the tragedy in Novye Atagi - the Norwegian Red Cross experience," 311-318.

³⁸⁰ Bugnion, "17 December 1996: Six ICRC delegates assassinated in Chechnya," 142.

are offered, and the overall impact on humanitarian assistance, focusing particularly on the ICRC, is discussed.

Chapter Four
The Politicization of Humanitarian Assistance:
Effects on the ICRC as a Neutral Organization

Constructive thinking about security is...not assisted by the tradition, in itself honourable, of associating humanitarian action with...neutrality: sometimes the provision of security must necessitate departures from these principles.³⁶¹

Intrastate conflicts have devastating consequences for a huge number of individuals. The first people affected, and the immediate victims of war, are the citizens of the country in crisis.³⁶² Increasingly, it is civilians that are killed in violence, and in some civil wars, they comprise the majority of the people who lose their lives.³⁶³ Civilians must also face famine, the collapse of all social and economic structures, loss of security, and no sense of belonging in their home country. A massive number of people are refugees in their own state, displaced persons with nowhere to go, and with few prospects for the future.³⁶⁴

Humanitarian organizations, such as the ICRC, are also profoundly affected by civil conflict. In the last twenty years, humanitarian agencies have taken on an increasingly

³⁶¹ Adam Roberts, quoted in Michael Ignatieff, "Unarmed Warriors," *The New Yorker*, 24 March 1997, 62.

³⁶² Jean de Courten, "The new humanitarian challenges," Keynote address to the Heads of military training, Geneva, 14-17 October 1997.

³⁶³ For example, in the Cambodian and Nigerian civil wars, millions of non-combatants were killed. At present, in the Sudan, civilians are the most prevalent victims. In Chapter Three of this work, there are detailed discussions of these, and other, cases of civil, ethnic conflict.

³⁶⁴ For example, in the Sudan, five million people are "internal refugees." They are Sudanese citizens, but they have been forcibly removed from their homes, and they have no place to go. See Philip Johnston, "Relief and Reality," in *A Framework for Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters*. ed. Kevin M. Cahill (New York: Basic Books, 1993): 194.

demanding role.³⁶⁵ For example, in some states, where the central government has collapsed or lost control of the crisis, the humanitarian relief agencies are the only organized bodies in the country.³⁶⁶ This introduces complications, and added responsibilities, because the organizations are not simply expected to provide food or doctors. They often establish "safe zones", and these areas represent law and order, and security.³⁶⁷ In this sense, the presence of humanitarian groups is generally positive. Most victims of war want the ICRC, and other humanitarian relief groups, in the country, providing food, safe zones, and medical assistance.

Negative results of the humanitarian organizations' new role also exist, however. There are sometimes groups engaged in an ethnic or civil conflict who are perhaps threatened by the presence of agencies such as the ICRC, and want them out of the conflict.³⁶⁸ As discussed in Chapter Three, aid workers are kidnapped, attacked, robbed, and killed by belligerents. Why do some belligerents not want humanitarian organizations providing aid during a crisis? There are generally three explanations offered as to why humanitarian aid is unwelcome in states engaged in internal ethnic conflict.

First, humanitarian assistance is perceived to be Western in nature, because the

³⁶⁵ John Prendergast., *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa* (Boulder: Lynne Rienner Publishers, 1996), 1.

³⁶⁶ In Somalia and Rwanda, for example, the central governments had collapsed, and the ICRC was the only international organization in the country for several months, after the U.N. pulled out. See "Fact sheet: ICRC activities in Somalia," 30 September 1996; and "U.N. votes to pull out of Rwanda," *The Globe and Mail*, 22 April 1994, A1 and A11.

³⁶⁷ Ignatieff, "Unnamed Warriors," 64.

³⁶⁸ David P. Forsythe, interview by author; Sophie Graven, telephone interview by author, Windsor-Ottawa, Ontario, 29 April 1998.

largest humanitarian agencies originated in the Western states. Additionally, humanitarian action enjoys great support from the more developed countries, and organizations such as the United Nations.³⁰⁰ Linked to this notion is the perception that humanitarian aid is predominantly Christian in nature.³⁰⁰ The argument is, therefore, that when third-world belligerents attack humanitarian aid, they indirectly attack the privileged Western states, and fundamentalist Muslim groups attack the religious aspects of aid.³⁰¹

A second reason humanitarian groups are seen as intruders by many combatants in internal and ethnic wars, is because sometimes the groups literally force their way into a conflict, even if it is clearly stated by some belligerents that they are not wanted there. Recently, there has been debate between humanitarian groups concerning "*droit d'ingérence humanitaire*" or "*devoir d'ingérence humanitaire*." A literal translation of these terms is "the right/duty to provide humanitarian assistance", or the "right/duty to intervene/interfere". Sandoz acknowledges that none of these definitions accurately capture and convey their french connotation.³⁰² The english translation is lacking the context that humanitarian agencies sometimes want to provide assistance against the

³⁰⁰ In Chapter Three of this work, see the section entitled: Changes in the Nature of Internal Conflict.

³⁰⁰ Religious connotations are introduced into the humanitarian relief movement by such groups as Catholic Relief Services, Norwegian Church Aid, and the New Sudanese Council of Churches. There is also debate concerning the red cross being used as the ICRC emblem. See Chapter Three of this work, the section entitled: The Symbols of the Red Cross and Red Crescent.

³⁰¹ These ideas are examined in detail, later in this chapter. See the sections entitled: Acceptance of Armed Protection, and Conscious Suppression of the Red Cross Emblem.

³⁰² Yves Sandoz, "'Droit' or 'devoir d'ingérence' and the right to assistance: the issues involved," *International Review of the Red Cross* 288: 215-227.

wishes of a state government, or groups in conflict. The philosophy of "*droit/devoir d'ingérence*" argues that humanitarian groups have a right, and/or duty, to provide aid, and this right supersedes the rights of others, and also takes precedence over state sovereignty, and the desires of combatants.

Sommaruga, the ICRC's President, explains that this slogan is fairly new, and it comes from:

an understandable feeling of frustration that arises when one sees humanitarian aid obstructed by governments wrongly invoking their sovereignty, or by opposition movements just as anxious to prove that they are in control of territory or populations.³⁶³

In this sense, "*droit d'ingérence humanitaire*" sometimes results in the presence of humanitarian organizations where they are not wanted. Rwanda is an example of a conflict where no outsiders were wanted, and even after several aid workers were killed, the humanitarian organizations returned. One NGO country director said "You can push us around, you can murder our staff, you can steal the food, and we will still come back."³⁶⁴

A third reason why humanitarian organizations are not always welcomed by belligerents in civil conflict is because several humanitarian organizations, especially smaller bodies, are blatantly political and partisan.³⁶⁵ Their political nature manifests itself in two different ways. First, a group specializes in a particular field of expertise, or a specific region of the world. For example, the United Nations Children's Fund (UNICEF)

³⁶³ Sommaruga, "Swiss neutrality, ICRC neutrality: are they indissociable?" *International Review of the Red Cross* 288 (May/June 1992): 271.

³⁶⁴ Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa*, 10.

³⁶⁵ Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa*, Chapter 1.

focuses on aid to children, and the Centre for Strategic Initiatives to Women (CSIW) focuses on the impact that war has on women. Some groups concentrate on a particular region of the world, such as the Relief Association of Southern Sudan (RASS) and the United Nations Operation in Somalia (UNOSOM).³⁹⁸

Most of these specialized agencies represent a political organization. A number of task forces, operations, and missions are under the auspices of the U.N. Others are organized specifically to espouse political doctrines, and to lend support to only one group in conflict, based on political ideology or ethnic affiliation. For example, in the civil war in the Sudan, RASS assists only Southern Sudanese victims. During the Nigerian civil war, Joint Church Aid (JCA) was formed specifically to provide support for the Biafrans.

These small groups, by nature of their formation and existence, are therefore very political and often blatantly supportive of one side over another in conflict. This is not, however, reserved to only the small groups. *Médecins Sans Frontières*, a large humanitarian agency, is also political. MSF does not respect state sovereignty, and unlike the ICRC, does not ask permission from state authorities to enter the conflict. It is also part of the MSF mandate to report what its doctors have seen, and to make public acts that they have witnessed. In so doing, MSF speaks out against human rights violations, and gains legitimacy with groups such as Amnesty International and the U.N. MSF and Amnesty International work very closely, with MSF reporting human rights violations, and Amnesty International placing political pressure on offending state authorities. Also, MSF

³⁹⁸ All of the above acronyms are found in Barry B. Hughes, *Continuity and Change in World Politics: Competing Perspectives* (New Jersey: Prentice-Hall, Inc., 1997); and Larry Minnear and Thomas G. Weiss, *Mercy Under Fire: War and the Global Humanitarian Community* (Oxford: Westview Press, 1995)..

assists the U.N. in bringing war criminals to justice. Although the war crimes tribunals are independent judiciary bodies, the U.N. supports the endeavour. Unlike the ICRC, MSF is willing to provide testimony against war criminals, which meets with U.N. approval.³⁸⁷

A second way in which humanitarian organizations are political is evidenced by their agendas. Most humanitarian agencies are dependent upon public contributions through fundraising, and prioritized funding from agency budgets. A 1995 World Peace Foundation report notes, "Rwanda has become a milch cow for NGOs - an enormous fundraising opportunity."³⁸⁸ Media exposure and public attention are critical for continued funding, therefore, humanitarian groups must go where the famine is the worst, and where the conflict is the most violent. The groups must "play up" the political aspects of the conflict, especially explaining in detail the ethnic distinctions between the combatants. Ethnically-motivated atrocities, genocide, uncontrolled violence, and child soldiers are "hot" topics, and humanitarian aid workers, when interviewed by the media, recount horror after horror. The international, mostly Western, media must document the workers engaged in the most dramatic, pitiful, and tragic situations of human suffering. Rakiya Omaar calls this "disaster pornography."³⁸⁹

Often, when these types of humanitarian agencies enter a civil or ethnic conflict,

³⁸⁷ For further discussion about the ties linking Amnesty International, the United Nations, and International War Crimes Tribunals, see *Breaking the Cycle*, a press release issued by *Médecins Sans Frontières*, 10 November 1996.

³⁸⁸ John Borton, "Humanitarian Aid and Effects," in *The International Response to Conflict and Genocide Synthesis Report*, (March 1996), 26.

³⁸⁹ For further discussion about "disaster pornography", and the relationship between humanitarian NGOs and the media, see Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa*, 5.

they potentially do more damage than good. Kathi Austin, consultant to the Human Rights Watch Arms Project, says of the Rwandan refugee crisis in Zaire:

Aid agencies that had never operated in emergencies landed in Goma, bolstered by the media attention to the disaster portrayed on CNN and able therefore to raise membership money. Of the new agencies, few had experience or practical skills...Many agencies spent incredible sums of money from the beginning on media relations, flying in sympathetic journalists.⁴⁰⁰

Nicholas Stockton echoes Austin's dismay and concern when he writes,

In the absence of the ICRC, it is more likely that breaches of the Geneva Conventions can be perpetrated with impunity, since NGOs which lack a legal status in international humanitarian law have no mandate, no leverage and no experience in protecting prisoners of war, of visiting military detainees and so on.⁴⁰¹

Another common characteristic of these groups is that they are short-lived. Sometimes this is the intention of the group: they are organized for one particular conflict, and when the conflict ends, the group separates. JCA was active in the Nigerian civil war, and then separated when the conflict was over. Agencies also withdraw aid out of financial necessity. If the relief program's funding is cut off, then the group must leave the conflict.⁴⁰²

A number of groups, therefore, are not primarily involved in conflicts to assist victims. Although they may have genuinely good intentions, these intentions are secondary to financial concerns, and media sensationalism. Additionally, the workers'

⁴⁰⁰ Quoted in Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa*, 5.

⁴⁰¹ Nicholas Stockton, "NGOs - humanitarian cure or curse?" in *Aid Under Fire*. Published by the Department of Humanitarian Affairs. UNST/DHA (05) 17 (New York: United Nations, 1995): 19.

⁴⁰² Gordon Wagner, "Project Proposal," 3.

general lack of experience and practical skills are cause for concern. Ethnic, and civil wars are extremely volatile and dangerous, and relief workers must be trained in the realities of the situation, otherwise, they are placed at serious risk. Further, the instability of many agencies hurts humanitarian assistance, because they withdraw aid when it is financially inconvenient to continue. Generally, therefore, when these smaller, political groups are involved in humanitarian aid, it becomes disorganized, unprofessional, and open to criticism and attack.⁴⁰³

Perhaps the most significant problem presented by these non-neutral groups is that they are numerous in conflicts, and it is therefore difficult to distinguish among them, and the dedicated, experienced humanitarian groups. It is not the responsibility of the combatants to know the ideological differences between the ICRC, MSF, and a media-focused, smaller group. Comtesse argues that "the warring parties - particularly when many small factions are involved - are neither interested in, nor able to appreciate (the) diversity (between humanitarian organizations)."⁴⁰⁴ Therefore, there is a tendency to lump all humanitarian organizations into one category, despite sometimes vast differences in the organizations' policies and mandates. The danger in so doing is that if one humanitarian agency makes a mistake, or offends or threatens one group in conflict, then all groups may also be implicated.

The ICRC is distinct from specialized, smaller groups in several ways. First, it is an

⁴⁰³ Mark Duffield, discussion paper for Aid Under Fire conference, Wilton Park, London, April 1995, 2-3 and 14.

⁴⁰⁴ Philippe Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," *International review of the Red Cross* 317 (January/February 1997): 148.

organization with one-hundred and thirty five years of experience, more than any other group. Its funding comes from states, and it is therefore not dependent on fundraising, public contributions, and media coverage. In fact, traditionally, the ICRC refused to deal with the media at all. Although it began to issue press releases ten years ago,⁴⁰⁶ the dissemination of ICRC internal information is still limited. The ICRC's mandate of neutrality forbids it from publicly discussing too much information concerning its activities.⁴⁰⁸

Although it is true that the ICRC is more neutral in some situations than are most other aid agencies, it is not true that it is apolitical. By virtue of what it does, and the situations in which it is involved, the ICRC cannot be completely apolitical in its activities. The internal wars in which the ICRC is involved are typically motivated by political aims, such as the desire for independent statehood. The actors in conflict have political agendas, and ethnic groups make political claims based upon their unique ethnic status. ICRC delegates visit individuals imprisoned for anti-government activities, and jailed for political crimes. Everything that the ICRC does is tinged with political means, ends, and involvements. It is impossible for the ICRC to engage in humanitarian activities independent of politics. Minnear and Weiss point out: "How can the ICRC accomplish its tasks, which require continuous interaction with governments, without making choices, some of which necessarily involve compromises? Indeed, how can the ICRC present itself and its work as apolitical?"⁴⁰⁷

⁴⁰⁶ Ignatieff, "Unarmed Warriors," 58.

⁴⁰⁸ For an examination of the ICRC's mandate of neutrality and confidentiality, please see Chapter Two of this work.

⁴⁰⁷ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 168.

The ICRC's political involvements are further evidenced by its place in the United Nations. Chapter One outlined the ICRC's active role in the development and codification of international humanitarian law. The ICRC was also successfully named in legal documents as a neutral humanitarian body of assistance during conflicts, both international and domestic. No other humanitarian group is named in international legal documents as a provider of assistance during conflict.⁴⁰⁸ The ICRC, therefore, has the recognition and support of an influential international political body.

Additionally, in 1993 the ICRC became the only humanitarian NGO to be granted observer status by the U.N. General Assembly. At the time, the voting governments declared that their decision to do so was "exceptional".⁴⁰⁹ The ICRC monitors all U.N. proceedings concerning human rights and humanitarian issues, and often expresses its own views during the debates.⁴¹⁰ The ICRC therefore reinforces its role as the world's leading humanitarian body. By attaining a permanent position in the U.N., and by doing so with the support of the member states, the ICRC has increased its legitimacy with state governments. This approval by state authorities and U.N. status gives the ICRC a political dimension that is unique.

The United Nations is also very supportive of the ICRC's role as an humanitarian relief actor. During the war in the former Yugoslavia, for example, the ICRC was denied access to political prisoners and internment camps in Bosnia. On 7 March 1995, a U.N.

⁴⁰⁸ See Chapter One of this work, the section entitled The 1949 Geneva Conventions (1) The ICRC as a Neutral Humanitarian Actor.

⁴⁰⁹ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 165.

⁴¹⁰ Forsythe, interview by author.

Economic and Social Council agenda item dealt with the ICRC's inability to visit prisoners. Article 26 of the document read, "(The Commission on Human Rights) demands that...there be immediate, unimpeded and continued access to (camps, prisons, and other places of detention) by the International Committee of the Red Cross."⁴¹¹ The U.N. therefore, recognises and publicly supports ICRC activities.

The ICRC is not an apolitical body at the best of times, or in the most ideal circumstances. Despite this fact, the ICRC claims that it has always struggled to balance its political involvement and pressures with its mandate of neutrality, and responsibility to victims.⁴¹² All actions and aid are carefully evaluated and potential implications and difficulties are discussed. This is critical because the ICRC is well aware of the implications of the popular support of the U.N., the perception that it is a Western organization, and the negative impact that smaller, less-experienced humanitarian agencies can have on its reputation, and its ability to assist the victims of war.⁴¹³ The ICRC has, therefore, gone to painstaking lengths to distinguish itself from other humanitarian aid agencies. Minnear and Weiss write that the ICRC thinks of itself as a lone swimmer struggling against the tide of politics.⁴¹⁴ It constantly attempts to remove itself from the company of other humanitarian organizations so that it can remain distinct

⁴¹¹ Economic and Social Council. Commission on Human Rights. Fifty-first session, agenda item 12. 7 March 1995. E/CN.4/1995/L.88/Rev.1

⁴¹² Please refer to Chapter Two of this work.

⁴¹³ See Cornelio Sommaruga, "Relationship between humanitarian action and political-military action," Keynote address at the International Symposium in Brussels. 9-11 February 1998.

⁴¹⁴ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 168.

and separate.

For example, in the former Yugoslavia, the ICRC believed that the U.N. had abandoned any neutral stance and become an active participant in the conflict.⁴¹⁶ The ICRC asked that the U.N. humanitarian organizations paint their vehicles "U.N. blue", so that they could be distinguished from the ICRC's white vehicles. The ICRC also refused to coordinate its activities with other humanitarian aid groups, especially the U.N.⁴¹⁶ This was a conscious effort by the ICRC to maintain a neutral position in the conflict, in order to minimize the danger to ICRC personnel.

Despite such efforts the politicization of humanitarian assistance, and the increasing threat to the safety of humanitarian aid workers, have had a profound effect on the ICRC. It has, in recent years, made two unprecedented and controversial decisions concerning its humanitarian duties. First, in Somalia, Rwanda and Bosnia, the ICRC accepted armed escorts to protect its workers when carrying out their humanitarian duties. Second, it suppressed the use of its red cross emblem in Ethiopia and Afghanistan. The chapter discusses the reasons for these decisions, and reflects on the possible implications that such decisions may have on the ICRC's mandate of neutrality.

Acceptance of Armed Protection

In December 1991, for the first time in history, the ICRC accepted armed protection. The ICRC's leadership felt that in the course of the organization's mission in Somalia, its workers were in serious danger of being attacked by the starving population. The situation

⁴¹⁶ Graven, interview by author.

⁴¹⁶ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 166.

was out of control, and humanitarian action under these circumstances was dangerous, or perhaps even impossible.⁴¹⁷ Its leadership argued that it had no alternative but to accept armed escorts, and unless it did so, it would have to suspend relief operations altogether.⁴¹⁸

The ICRC decided to use multi-ethnic groups of armed protectors to guard its convoys deployed to distribute food, and to guard the warehouses where the food was kept.⁴¹⁹ These armed "technicals" were provided by the reigning warlords in Somalia. The ICRC points out that, whenever possible, the armed locals were placed in separate vehicles so that the ICRC's vehicles were at least weapon-free.⁴²⁰

The technicals were paid in humanitarian relief, that is, they were given food in exchange for their services.⁴²¹ Although the technicals were not paid in cash, the ICRC did pay protection fees to the warlords, to ensure that it received adequate protection. The technicals were combatants, employed by individuals who benefitted and profited from the tragedy, and who gained credibility and legitimacy by cooperating with the ICRC in

⁴¹⁷ R. Russbach and D. Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles," *Medicine and Global Survival* 1(December 1994): 197-198.

⁴¹⁸ David P. Forsythe, "Choices More Ethical Than Legal: The International Committee of the Red Cross and Human Rights," *Ethics and International Affairs* 7 (1993): 146.

⁴¹⁹ R. Russbach and D. Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles," :198.

⁴²⁰ Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 166.

⁴²¹ Forsythe, "Choices More Ethical Than Legal: The International Committee of the Red Cross and Human Rights," : 146.

protecting and escorting the workers.⁴²²

The arrangement with the technicals was short-lived. After one year, the ICRC realised that it was being taken advantage of by the warlords and the armed escorts. The technicals became increasingly demanding, and wanted to be the dominant players in the protection.⁴²³ They wanted to determine where the food would go, and when, and refused to protect the ICRC workers unless their demands and conditions were met. Eventually, the ICRC pulled out of the agreement, and in mid-1994, it pulled out of Somalia altogether.⁴²⁴

Somalia is the most notorious example of the ICRC's acceptance of armed escorts, perhaps because it was the first time that the organization did so. However, it was not the only time the ICRC decided to employ armed protection. In Rwanda, the ICRC accepted armed escorts, with the same results as its experiences in Somalia.⁴²⁵ However, the case of Bosnia is unique. In Bosnia in early 1992, the ICRC accepted armed escorts, but for different reasons and to different ends.

In 1992, the ICRC reached an agreement with the Serbian authorities. The ICRC oversaw the closing of all work camps in northern Bosnia, and then assisted in the transfer of the inmates to other camps in Croatia. While transferring the inmates, the ICRC

⁴²² Minnear and Weiss, *Mercy Under Fire: War and the Global Humanitarian Community*, 166.

⁴²³ Russbach and Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles," 198-199.

⁴²⁴ Russbach and Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles," 198.

⁴²⁵ "Update No. 97/01 on ICRC Activities in Rwanda", issued by the ICRC, 28 January 1997.

provided medical assistance, food, and other forms of relief to prisoners. The ICRC worked in conjunction with local Serb armed combatants, and ICRC workers were protected during the transfers by the local armed escorts, thereby ensuring that the victims of the war received aid.⁴²⁶

Although the ICRC's intention was to guarantee that the victims receive humanitarian assistance, this is not what happened. By overseeing the closing of the camps and assisting in the transfer of prisoners, the ICRC effectively played a role in transporting prisoners to concentration camps, where they were killed. Ignatieff writes that by accepting armed protection under these particular circumstances, the ICRC was an "unwilling agent of ethnic cleansing".⁴²⁷ Seen in this light, the ICRC acted as an accomplice to the genocide of hundreds of thousands of Croats and Muslims. In so doing, it supported and justified the political agenda and activities of the Bosnian Serbs.

Within the ICRC, the tension between its decision to accept armed protection and its role as a neutral humanitarian actor has been debated. In the fall of 1993, the ICRC Council of Delegates met, and the major agenda item was if, and how, the tension between these issues could be resolved. It was agreed that the acceptance of armed protection was not incompatible with the principle of neutrality, provided that the armed escorts are carried out under certain conditions. Resolution 5 was passed at the conference, outlining the usage of armed escorts, and the requirements for their use. Resolution 5 reads as follows:

The fact that assistance provided by one or other of the components of the

⁴²⁶ Ignatieff, "Unarmed Warriors," 63-64.

⁴²⁷ Ignatieff, "Unarmed Warriors," 63.

International Red Cross or Red Crescent Movements is protected by armed escorts does not divest it of its neutral character, provided that the parties (or authorities) controlling the territory through which the convoy must pass and to which the humanitarian assistance is to be delivered have fully approved the principles and procedures of the armed escort, and that the purpose of the latter is to protect the relief supplies against bandits and common criminals.⁴²⁸

A related decision concerns armed guards. The ICRC explains that, "The ICRC has decided to step up security for its expatriate and local staff and its premises by advocating the use of armed guards at residences and at the workplace."⁴²⁹ Armed guards were used in this capacity in Uganda in 1985, and in Somalia in 1991.⁴³⁰

Despite the controversy surrounding its decisions, the ICRC insists that its neutrality is not threatened by accepting armed protection.⁴³¹ There are two main arguments presented by the ICRC to explain its decision to accept the protection of armed escorts and guards, and to illustrate how its neutrality is not threatened.

First, the ICRC argues that it will accept armed protection only under very specific circumstances. Armed protection is not standard ICRC policy. The main concern to be addressed is the safety and security of ICRC workers, and the protection of food and supplies. At the United Nations General Assembly, the ICRC representative gave the

⁴²⁸ See "Resolutions of the Council of Delegates," *International Review of the Red Cross* 297 (November/December 1993): 477-478.

⁴²⁹ "The ICRC and the use of armed guards," *ICRC News* 97/04, 30 January 1997.

⁴³⁰ Graven, interview by author.

⁴³¹ Several articles have been written to explain the ICRC's decision to accept armed protection. In particular, please refer to: Denise Plattner, "ICRC neutrality and neutrality in humanitarian assistance," *International Review of the Red Cross* 311 (March/April 1996): 161-179; Frank Schmidt, "Recommendations for improving the security of humanitarian workers," *International Review of the Red Cross* 317 (March/April 1997): 152-155.

following statement on behalf of the ICRC, concerning armed protection:

In the ICRC's view, the best form of protection against violence consists in adopting an approach which faithfully reflects the principles of humanitarian action, in particular...neutrality...For the ICRC, observance of these principles is a guarantee of effective and lasting action which is based on the trust of the entire population and on the consent of all the parties to the conflict...As a rule, the ICRC therefore does not use armed escorts in the course of its operations. Indeed, the presence of any armed troops whatsoever alongside our staff increases the risk of confusion. There are instances, however, when the agreement of the parties and the various means of passive protection are no longer sufficient to ensure a safe framework for humanitarian action, especially when the breakdown of the State structure leads to an explosion of criminal violence and banditry which pose a threat to relief action. In such extreme situations, the use of armed escorts can no longer be completely ruled out in order to permit access to the victims.⁴³²

The ICRC accepts armed protection, therefore, only in cases of criminal activity, such as banditry, or criminal attacks on its personnel, such as killing a worker to steal a vehicle. In situations of criminal attacks and theft, the ICRC's ability to provide relief to the victims of war is threatened, and this is unacceptable, because its role as a humanitarian actor is diminished. Armed protection assists the ICRC in providing for the victims of war. In this way, therefore, it is justified.

A second argument presented by the ICRC is that cooperation with local combatants increases trust between the organization and the combatants. It is argued that if the workers trust the technicals to protect their lives, then the ICRC will be trusted by the armed protectors, and all other people involved in the conflict.⁴³³ Gaining the trust of the

⁴³² "Comprehensive review of the whole question of peacekeeping operations in all their aspects," United Nations, General Assembly 52nd session, Fourth Committee, Agenda item 88. Statement by the International Committee of the Red Cross (ICRC). New York, 12 November 1997.

⁴³³ Denise Plattner, "ICRC neutrality and neutrality in humanitarian assistance," *International review of the Red Cross* 311 (March/April 1996): 176.

combatants facilitates the delivery of emergency relief, and therefore makes the humanitarian assistance provided by the ICRC more effective.

Neutrality is not compromised because armed protection is utilized "as long as it is accepted by the authorities and the population."⁴³⁴ It is not imposed upon the victims of war, or the belligerents, by force.⁴³⁵ Also, by recruiting multi-ethnic armed protectors, the ICRC does not favour any one warring faction.⁴³⁶ The ICRC argues, therefore, that it is not a political presence in the country, because its role is negotiated between itself and the parties involved in the conflict. It is a complementary, working relationship, designed to benefit the victims of war.

Although the policy appears to be clear, in Bosnia the ICRC had difficulty balancing acceptance of armed protection and its neutrality. Resolution 5 cannot and does not explain the ICRC's shocking decision to participate in the transfer of inmates to death camps in Bosnia. The Resolution stipulates that the ICRC's use of an armed escort is justifiable if it protects the organization's relief supplies against bandits and common criminals. Overseeing and assisting the transport of prisoners to camps does not adhere with this condition, and cannot possibly be defended by the ICRC under Resolution 5, or at all.

Additionally, a criticism is offered concerning the use of armed technicals. It is

⁴³⁴ "The ICRC and the use of armed guards," ICRC News 97/04, 30 January 1997.

⁴³⁵ "Comprehensive review of the whole question of peacekeeping operations in all their aspects," United Nations, General Assembly.

⁴³⁶ Russbach and Fink, "Humanitarian action in current armed conflicts: opportunities and obstacles," 198.

suggested that perhaps the use of local guards and police is not the safest method of protection. Ignatieff writes that in his interviews, ICRC officials admit that if the workers were escorted by United Nations peacekeepers, they would probably be safer and better-protected.⁴³⁷ U.N. soldiers are better-trained, more predictable, and have very little to gain by manipulating and orchestrating the activities of the ICRC.⁴³⁸ If this is the case, and workers' safety is the ICRC's primary concern, then why does the ICRC not work with the U.N., or another organized military group?

This argument was presented by the United States in Somalia. The U.S. wanted its military to escort the ICRC in the course of its duties, but the ICRC adamantly refused to consider such a course of action. Eventually, the Pentagon complied with the ICRC's position. Then, to the shock of the U.S., the ICRC negotiated with local armed groups, and offered them the opportunity to protect its workers and supplies.⁴³⁹

The ICRC defends its decision to favour local, armed technicals over international militaries by stating that if the ICRC was protected by an organization such as the U.N. or the U.S., its reputation as an independent agency would be threatened.⁴⁴⁰ The U.N. is an intergovernmental body, and the U.S. is an independent Western state. Accepting protection from the U.N., or from a state military, introduces an unacceptable, and avoidable, political dimension to armed protection. In the opinion of the ICRC, therefore,

⁴³⁷ Ignatieff, "Unarmed Warriors," 62.

⁴³⁸ As the armed technicals did in Somalia, when they attempted to control the ICRC's activities.

⁴³⁹ Forsythe, "Choices More Ethical Than Legal: The International Committee of the Red Cross and Human Rights," 132.

⁴⁴⁰ Ignatieff, "Unarmed Warriors," 62.

the political overtones implicit in U.N. and state involvement threaten the ICRC's mandate of neutrality, and it is not willing to do this.⁴⁴¹

Acceptance of armed escorts and guards, under controlled conditions, therefore, is not a compromise of the ICRC's neutrality. Instead, by engaging in dialogue with technicals, and gaining the approval and trust of the population, the ICRC strengthens its neutral stance. Armed escorts allow aid workers to carry out their duties, thereby ensuring that the victims of conflict are assisted.

The ICRC recently made another decision, which also attempts to address the problem of criminal activity threatening its ability to carry out its humanitarian responsibilities. On at least two occasions, the ICRC has decided to suppress the Red Cross emblem when engaging in assistance.

Conscious Suppression of the Red Cross Emblem

As discussed in Chapter Three, the ICRC has recently debated the neutrality of its emblem. Suggestions have been made to adopt a third, more neutral emblem, such as a red diamond. The ICRC recognises that in certain circumstances, its emblem is not perceived as neutral, and is therefore not respected. This is an extremely dangerous situation, because the ICRC has traditionally depended on the neutral status of its symbol to identify and protect its workers. In some cases, however, when belligerents recognise the Red Cross emblem, the workers are attacked. Its workers are made vulnerable to attack for two specific reasons.

First, the Red Cross emblem indicates to criminals where food, medical supplies, and vehicles can be found. The ICRC is an extremely well-organized and wealthy

⁴⁴¹ Graven, interview by author.

humanitarian organization, and belligerents are aware of this. Therefore, its prestige and wealth can make it a target for thieves and bandits.⁴⁴² In some extreme cases, therefore, the ICRC decides simply not to identify itself, or where its supplies are stored, because to do so makes it vulnerable to attacks on its workers, and its supplies.

The first time that the ICRC consciously suppressed its neutral emblem for this reason was in Ethiopia in 1988.⁴⁴³ The ICRC decided to adopt this radical policy because the neutrality of the emblem was not being respected, and its workers were being targeted and killed during robberies. The ICRC argued that the best way for it to provide humanitarian aid in such a climate of danger and threat was to engage in assistance anonymously. The organization decided to stop using white land rovers with Swiss license plates with the Red Cross emblem painted on the side, and replaced these vehicles with old, rented, local jeeps without protected emblems.⁴⁴⁴

The second way in which the emblem makes the ICRC vulnerable is when the Red Cross is perceived to be non-neutral by religious extremists. In Afghanistan, for example, the ICRC suppressed its symbol for this reason.⁴⁴⁵ Even under the most ideal circumstances, the Islamic members of the Taliban are sensitive to foreigners, and cannot tolerate what they perceive to be religious interference.⁴⁴⁶ The ICRC negotiated with the Taliban leaders, and agreed to suppress its emblem out of respect for the Taliban's

⁴⁴² Graven, interview by author.

⁴⁴³ Forsythe, interview by author.

⁴⁴⁴ Forsythe, interview by author.

⁴⁴⁵ Graven, interview by author.

⁴⁴⁶ Michael Ignatieff, *The Warrior's Honour: Ethnic War and the Modern Conscience* (Toronto: The Penguin Group, 1998), 140-145.

religious convictions. For its part, the Taliban agreed not to target the ICRC.⁴⁴⁷ The Taliban is therefore aware of the ICRC's presence and activity in the country, and accepts its assistance, mostly due to the ICRC's flexible stance concerning its emblem. In the case of Afghanistan, the ICRC manages to avoid a great deal of trouble, and averts possible attacks on its staff, medical facilities, and food shipments. This is indeed a compromise, but it is acceptable to the ICRC, because it allows humanitarian aid to reach the victims.

Schmidt writes that, "Delegations must be free to use the ICRC logo in a flexible manner and in accordance with the circumstances (acceptability of the institution and security conditions)."⁴⁴⁸ This implies that the ICRC's decision to suppress its emblem depends on the circumstances and factors of each individual conflict. Like acceptance of armed protection, suppressing the symbol is done only in extreme cases, and only as a last resort.

Somalia, Rwanda, Bosnia, Ethiopia, and Afghanistan are examples of extreme situations. In these five particular cases, the ICRC decided that some extraordinary measures had to be taken in order for it to continue to provide aid. However, as discussed in Chapter Three, workers have been targeted, attacked, and killed in a number of countries besides the five discussed above.⁴⁴⁹ Perhaps the most infamous example is Chechnya, where six delegates were murdered in their beds. Ignatieff points out that, after the assassinations in Chechnya, the ICRC refused to accept any form of armed protection

⁴⁴⁷ Graven, interview by author.

⁴⁴⁸ Frank Schmidt, "Recommendations for improving the security of humanitarian workers," *International Review of the Red Cross* 317: 155.

⁴⁴⁹ See the section entitled: The Targeting and Killing of ICRC Workers.

for its compounds, hospitals, workers, or convoys.⁴⁶⁰ Why did the ICRC accept armed escorts in Somalia, but not in Burundi? Why did it place guards in its workers' residences in Uganda, but not in Chechnya?

The answer is that the ICRC distinguishes between two different kinds of attack: some are criminal, and others are political. Depending on the nature and motivation of the attack, therefore, the ICRC decides on an appropriate course of action to protect itself, and its workers.

Criminal Activities versus Political Attacks

Sophie Graven, a former ICRC delegate with extensive experience in the field, explains that the ICRC accepts armed escorts, and allows armed guards in its compounds, to protect it from criminal activity, such as theft of food, medical supplies, medication and drugs, or vehicles. She points out that in Somalia, for example, workers are usually attacked because people are starving, not because the ICRC represents anything politically objectionable to the Somali people. Workers are robbed, and vehicles stolen, because the Somalis steal to feed their families.⁴⁶¹

Jean de Courten, the ICRC Director of Operations, supports Graven's observations. He states that, "the civilian population is (the) first victim (of looters) and, once civilians have been stripped of all they own, the combatants turn on the humanitarian organizations, looting their relief supplies and taking over the logistic facilities they have set up for

⁴⁶⁰ Ignatieff, "Unarmed Warriors," 71.

⁴⁶¹ Graven, interview by author.

operational purposes."⁴⁵² In these cases, therefore, attacks are opportunistic. The combatants target and attack humanitarian workers, simply because they want something that the agency has.

On the other hand, the events in Chechnya were an obvious political attack. The assassins killed the six delegates to send a clear message to the ICRC to get out of the conflict. Burundi is another example of belligerents not tolerating the presence of humanitarian organizations, and wanting them to leave. Forsythe agrees with this when he says that, "Sometimes (ICRC workers and delegates) have been killed as a signal to all Western-based relief workers to get out. Like Chechnya, that was probably a message. By and large, Burundi is probably the best case of...wanting everybody to get out..."⁴⁵³

In this way, therefore, the ICRC distinguishes between criminal activity, and political attacks and agendas. It is a critical distinction to make, because in cases of criminal attacks and banditry, the ICRC may choose to accept armed protection, or perhaps to suppress its emblem. In cases of political attacks, however, the ICRC refuses to do either of these things. The ICRC believes that if it does, then it becomes politically involved in the conflict, which damages its neutrality.⁴⁵⁴ The same is true of the ICRC's decision to suppress its emblem. Perhaps the most infamous example of the ICRC becoming politically involved in a conflict, as a result of suppressing its emblem, is the case of Nigeria in 1969.

⁴⁵² de Courten, "The new humanitarian challenges," Keynote address, 14-17 October 1997.

⁴⁵³ Forsythe, interview by author.

⁴⁵⁴ de Courten, "The new humanitarian challenges," Keynote address, 14-17 October 1997.

The ICRC had a number of difficulties with the Nigerian federal government during the Biafran civil war. The government attempted to interfere in the ICRC's activities, and imposed strict regulations on the delivery of aid and supplies to the Biafran rebels. The ICRC therefore decided to engage in secret night flights, without the permission of the Nigerian authorities. It mixed its unmarked relief planes with aircraft running guns to the rebels in the east of the country. In June 1969, the federal government shot down an ICRC relief plane, killing all four workers aboard, and the ICRC was asked to leave the country. In this case, therefore, the ICRC's decision to compromise its neutrality resulted in it not being permitted to provide aid to the victims of the conflict. Nigeria is an example of what may potentially occur if the ICRC does not successfully balance its neutral mandate with its duty to the victims of conflict. In Nigeria, the ICRC responded to political difficulties and pressures, and in so doing, played a political role in the conflict, and ultimately failed the victims in need of assistance.⁴⁵⁵ Nigeria was a failure for the ICRC, but it learned a great deal from the experience.⁴⁵⁶ Since Nigeria, the ICRC has been far more careful in recognising the political implications of its actions, and the importance of retaining some aspect of neutrality in its activities.

In cases of politically-motivated attacks, there are two courses of action available to the ICRC. First, it must attempt to re-open negotiations with combatants, and groups that do not want it present in a conflict. It is critical for the ICRC to "obtain guarantees of

⁴⁵⁵ Raph Uwechue, *Reflections on the Nigerian Civil War: Facing the Future*. (New York: Africana Publishing Corporation, 1971), 10.

⁴⁵⁶ Forsythe, interview by author.

respect for (its) staff and infrastructure."⁴⁴⁷ A permanent dialogue must be established with all the parties involved in the conflict, for this is the only way that the ICRC can negotiate on behalf of its workers and their activities.

If attempts at dialogue and negotiation fail, then the ICRC has no choice but to withdraw from the dangerous areas.⁴⁴⁸ In most cases, it does not leave permanently, but temporarily suspends its activities in a particular region until combatants willingly agree to negotiations. For example, in 1996, the ICRC was subjected to political attacks in Burundi and Zaire, and temporarily withdrew from the areas where the attacks occurred.⁴⁴⁹ Also, after the murders in Chechnya, the ICRC was forced to withdraw its workers from the region because the belligerents refused to participate in any dialogue or negotiations with the ICRC.⁴⁵⁰

The ICRC is therefore deeply affected by the politicization of humanitarian relief, and struggles to maintain a neutral position while engaging in assistance. Its decisions to accept armed protection, and suppress its neutral emblem, are its attempts to cope with the attacks on humanitarian aid, while simultaneously maintaining its mandate of neutrality.

The following chapter discusses the future of the ICRC. Several writers, and members of the ICRC, have predicted what will happen to its role as a neutral humanitarian actor, especially in the next ten years. The chapter examines these

⁴⁴⁷ "The ICRC and the use of armed guards," ICRC News 97/04, 30 January 1997.

⁴⁴⁸ Graven, interview by author.

⁴⁴⁹ "ICRC withdraws from Burundi," ICRC Press Release 96/21, 11 June 1996; and "Update No. 97/01 on ICRC activities related to the Zairian crisis," 8 January 1997.

⁴⁵⁰ "ICRC in shock: six delegates assassinated in Chechnya," ICRC Press Release 96/38, 17 December 1996.

predictions, and analyzes some of the more popular, or commonly-believed theories.

Chapter Five **The Future of the ICRC**

The first mark of intelligence is precisely knowing one's limits, and it is clear that we can only try to guess at potential answers to (vast questions); to do this we would need to look at the past so as better to understand the future.⁴⁶¹

The ICRC currently faces a number of challenges. Some of these challenges include attacks on its workers, the question of the neutrality of its protective emblem, and the apparent inability of the ICRC to gain the trust and acceptance of belligerents in civil and ethnic conflict. Additionally, the ICRC is affected by the politicization of humanitarian aid, and responds in controversial ways, for example, the acceptance of armed protection, and the suppression of its emblem. As discussed in Chapters Three and Four, the ICRC's attempts to meet these problems are sometimes successful, and other times, less so.

This chapter examines the future of the ICRC. Several of the above challenges have developed in the last ten years, and therefore the ICRC's attempts to cope with them are experimental. A number of the issues, however, are not new, and the ICRC has struggled with them for decades, without resolution.

In 1972, the Red Cross decided to undergo a thorough examination of its organization, at both the national and international levels. Donald Tansley, an independent researcher, was commissioned to examine the Red Cross societies, and all of their activities.⁴⁶² Tansley prepared a report concerning the future role of the ICRC, and

⁴⁶¹ Jacques Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?" in *International Review of the Red Cross* no. 303 (November/December, 1994): 595.

⁴⁶² Tansley and his research team visited forty-five countries, and saw the Red Cross staff in action, both in Geneva, and in the field. They accompanied ICRC delegates on prison visits, and observed ICRC workers provide food and medical relief

the national Red Cross societies, and in 1976, made the results public. He examined the strengths and weaknesses of the Red Cross movement, and he offered a number of suggestions to improve the overall effectiveness of the Red Cross, at all levels, in all situations.⁴⁶³ Now, twenty-two years later, several factors that Tansley identified as problematic for the Red Cross movement continue to cause difficulties, many of which reflect the evidence noted in this thesis. For these reasons, Tansley's report is still relevant today. The chapter uses Tansley's report as the basis on which to examine the ICRC's future, and to reflect on the direction in which the movement may be going.

Tansley noted in 1976 that the ICRC displayed an unwillingness to work with other organizations, for fear of losing its autonomy and independence.⁴⁶⁴ He wrote that other humanitarian agencies, especially groups organized by the United Nations, felt that the Red Cross carried its independence too far, and that this diminished its overall impact as an organization. It was argued by these outside agencies that if the Red Cross and the U.N. entered into bilateral agreements, and joint efforts, then aid to victims would improve. Tansley suggested that the ICRC and national societies should consider working with other humanitarian groups. He wrote that there was an "over-emphasis" on the Red Cross principles of independence, and non-political action.⁴⁶⁵

in conflicts.

⁴⁶³ Tansley examined the ICRC, and also the national societies. He discussed the role of the Red Cross in international and national conflict, natural disasters, and when visiting political detainees. He also studied the strengths and weaknesses of the Red Cross' abilities and achievements in all the above areas of assistance.

⁴⁶⁴ Donald D. Tansley, *Re-appraisal of the Role of the Red Cross. Final report. An Agenda for Red Cross.* (Geneva: Henri Dunant Institute, 1976), 49-50.

⁴⁶⁵ Tansley, *Re-appraisal of the Role of the Red Cross*, 50.

At present, evidence does not suggest that the ICRC has followed the report's recommendation to work with U.N. groups. As discussed in Chapter Four, the organization is still criticized for refusing to cooperate with intergovernmental humanitarian organizations, such as U.N. agencies. The ICRC argues, however, that forging partnerships with other groups compromises its neutrality, and politicizes its activities.⁴⁶⁶ The ICRC's recent decisions in Bosnia and Somalia indicate that it is not willing to work closely with government bodies.

There is no evidence to show that the ICRC will change its policy in the future. At the United Nations General Assembly, in November 1997, the ICRC representative argued that:

The action of United Nations forces is military, not humanitarian, even when helping to restore conditions which allow humanitarian law to be implemented. It is therefore important to maintain - both on the ground and in the belligerents' minds - a clear distinction between the activities of humanitarian agencies and those conducted by international military forces.⁴⁶⁷

The representative added that all U.N. operations, both military and non-military, are carried out with the approval of the Security Council, and that the Security Council is, "by definition, essentially political."⁴⁶⁸ The ICRC, therefore, refuses to work closely with

⁴⁶⁶ For example, the ICRC's decision to not cooperate with the United Nations in Bosnia, and the ICRC's refusal to allow the American military to escort its workers in Somalia. Both of these examples are examined in Chapter Four of this work.

⁴⁶⁷ "Comprehensive review of the whole question of peacekeeping operations in all their aspects," United Nations, General Assembly 52nd session, Fourth Committee, Agenda item 88 Statement by the International Committee of the Red Cross (ICRC), New York, 12 November 1997.

⁴⁶⁸ "Comprehensive review of the whole question of peacekeeping operations in all their aspects," United Nations, General Assembly.

United Nations agencies, for fear of politicizing its assistance. It appears that it will continue to act without U.N. assistance, and without the assistance of intergovernmental organizations (IGOs).

Nor is the ICRC willing to work closely with other non-governmental organizations (NGOs). As discussed in Chapter Four, a number of humanitarian groups place their political agendas before the needs of the victims of conflict or disaster. The ICRC fears that if it associates with these types of groups, it may directly or indirectly contribute to the political environment of conflict. Comtesse stresses the danger of the ICRC working closely with other humanitarian NGOs on a regular basis. He warns that it becomes difficult, if not impossible, for combatants and victims to distinguish between the large number of humanitarian relief agencies present in conflict.⁴⁰⁸ If the ICRC loses its unique identity, and fails to stand apart as a neutral humanitarian organization, and becomes unrecognisable from other NGOs, then it has lost its essential nature. It appears, from evidence presented in this thesis, that the ICRC is concerned about maintaining its neutrality, and its distinctiveness.

Cornelio Sommaruga's public statements support this perception. In February 1998, he stated,

"The safety of humanitarian personnel is (also) put at risk if humanitarian action loses credibility...and (the) belligerents make little distinction between the various organizations...Every actor is uniquely qualified to carry out its role. Parallel but distinct action will lead to a comprehensive approach to

⁴⁰⁸ Philippe Comtesse, "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view," *International Review of the Red Cross* 317 (January/February 1997): 148.

crisis management."⁴⁷⁰

The evidence suggests, therefore, that the ICRC will continue to act independently from other groups, and will continue to distinguish itself from other humanitarian aid agencies. The ICRC's unique, distinct nature is based on its principle of neutrality, which it places at the heart of its mandate.⁴⁷¹ Sommaruga's words, therefore, imply strongly that the ICRC will not change its commitment to neutrality, nor will it work with other groups. In this way, therefore, the suggestions presented in the Tansley report have been largely ignored for over twenty years, and will probably continue to be ignored.

This is not to argue that the ICRC will never work with INGOs or NGOs in the future. In the case of building prisons in Rwanda, the ICRC worked with U.N. agencies, and a Rwandan interministerial commission.⁴⁷² David Forsythe acknowledges that the ICRC and Amnesty International have a working relationship, although it is discreet, and they pursue very different agendas.⁴⁷³ Although it maintains a degree of distance from other groups, the ICRC is not isolated. In future, the ICRC will probably continue to play an independent role, and remain separate from other humanitarian groups, but it will continue to be open to temporary working relationships, in controlled and limited ways.

Second, Tansley pointed out that the Red Cross appeared complacent, and

⁴⁷⁰ Cornelio Sommaruga, "Relationship between humanitarian action and political-military action," Brussels, International Symposium, Keynote address, 9-11 February 1998.

⁴⁷¹ See Chapter Two of this work, especially the perspective introduced by Jean Pictet, in *Fundamental Principles of the Red Cross* (Geneva: ICRC, 1979).

⁴⁷² Jean-Daniel Tauxe, "Why did the ICRC help to build prisons in Rwanda?" *Red Cross Red Crescent*, issue 1, 1996, 28.

⁴⁷³ David P. Forsythe, interview by author, tape recording, Toronto, Ontario, 19 March 1997.

unwilling to improve or change. He noted that the Red Cross appeared to be "living off its reputation", and had lost its courageous spirit. He wrote, "This is not (the voice of) a daring, innovative institution but rather one which has finished with pioneering and views the future as basically an extension of the present."⁴⁷⁴ Its delegates appeared satisfied with its achievements and successes, and were content for the ICRC to remain the way it was. He based this observation on a questionnaire given to ICRC delegates, in which they were asked, "Do you think the Red Cross could improve its effectiveness?" One delegate responded, "I do not see the need for major changes." Tansley criticized this lack of interest in new ideas and new people.⁴⁷⁵

Although one delegate's view does not reflect the attitude of the entire ICRC, perhaps there was some truth in Tansley's observations in 1976. There is, however, no evidence to indicate that this is the case at present, and it does not appear to hold for the future. In 1987, the ICRC underwent a significant shift in policy and perspective due to the election of a new president. Cornelio Sommaruga replaced Jacques Moreillon, and began a new tradition of leadership in the ICRC. Forsythe writes that Sommaruga is an "activist ICRC president."⁴⁷⁶ He wants to be more involved in all aspects of the ICRC than was Moreillon, and wants to adopt a more hands-on approach to decision-making. Under his leadership, the ICRC is a different organization than it was ten years ago.

First, evidence suggests that under Sommaruga's direction, the ICRC is a more

⁴⁷⁴ Tansley, *Re-appraisal of the Role of the Red Cross*, 50.

⁴⁷⁵ Tansley, *Re-appraisal of the Role of the Red Cross*, 50.

⁴⁷⁶ David P. Forsythe, "Human Rights and the International Committee of the Red Cross," in *Human Rights Quarterly* 12 (1990): 286.

public organization. Ignatieff points out that until ten years ago, the ICRC had little to do with the media, regarding it with suspicion.⁴⁷⁷ This gave the ICRC a reputation for being secretive, elitist, and arrogant in its refusal to share information.⁴⁷⁸ Under Sommaruga's presidency, however, the ICRC issues numerous press releases to the international community, to explain, defend, and summarize ICRC activities.⁴⁷⁹ At present, ICRC delegates appear to view the media as a potential ally, when used properly, and with discretion. The ICRC's code of silence forbids it to divulge all of its information, but Sommaruga appears willing to release substantial information to the general public. It therefore appears that, in the last ten years, the ICRC has learned how to balance its code of silence and neutrality, with more openness in its policies.

Second, the ICRC is adaptable to unforeseen challenges and situations. It is not rigid concerning its principle of neutrality. As discussed in Chapter Four, the ICRC's recent decisions to accept armed escorts, and to suppress its neutral emblem, are an attempt to balance its neutral mandate and the safety of its workers.⁴⁸⁰ In these two cases, therefore, the ICRC is willing to be flexible, and deal with a challenging situation; the ICRC compromises its neutral mandate, it bargains with combatants and reaches agreements

⁴⁷⁷ Michael Ignatieff, "Unarmed Warriors," *The New Yorker*, 24 March 1997, 58.

⁴⁷⁸ Morris Davis, "The International Committee of the Red Cross and its Practice of Self-restraint," in the *Journal of Voluntary Action Research* 4: 64.

⁴⁷⁹ The ICRC issues press releases whenever a tragedy occurs (such as the killing of an ICRC worker), or to defend its position on an issue (such as the debates surrounding its neutral emblem). Additionally, the "ICRC News" is released every week; the *Red Cross Red Crescent* magazine is published bi-weekly, and it informs the international community where the ICRC is active, and what it is doing in different areas of the world.

⁴⁸⁰ See Chapter Four, the sections entitled, Acceptance of Armed Protection, and Conscious Suppression of the Red Cross Emblem.

with armed escorts. Forsythe argues that, "the ICRC has toughened up over time...they are professional, well-trained, experienced, pretty tough negotiators and bargainers."⁴⁸¹ Part of this toughness is its pioneering spirit, and its willingness to attempt new approaches in humanitarian assistance, and to adapt its policy to reach the victims of war.

There is no evidence, therefore, to support Tansley's notion that the ICRC is complacent, or living off its reputation. Rather, the ICRC appears to struggle constantly to find a way to deal with situations that are new and challenging, without damaging its reputation and credibility, or politicizing its activities. In the future, this trend will probably continue, because the ICRC has always consciously attempted to maintain a balance between its central principle of neutrality, and political interference, and the needs of victims.⁴⁸² As long as the ICRC emphasizes neutrality in its humanitarian activities, it will probably continue to struggle with these issues.

Third, Tansley addressed the question of the multiplicity of the Red Cross' emblems, and the lack of neutrality of the Red Cross symbol. He argued that the multiplicity of symbols was confusing, and indicated fragmentation in the movement.⁴⁸³ He warned that allowing national societies to adopt their own emblems would diminish the

⁴⁸¹ David P. Forsythe, interview by author, tape recording, Toronto, Ontario, 19 March 1997.

⁴⁸² The ICRC's principle of neutrality has been controversial since 1864, and it continues to be so. For a detailed discussion of the controversy surrounding the ICRC's principle of neutrality, please refer to Chapter Two of this work.

⁴⁸³ In 1976, there were four symbols used by the Red Cross movement: the Red Cross, the Red Crescent, the Red Lion and Sun, and the Red Shield of David. Tansley, *Re-appraisal of the Role of the Red Cross*, 125. At present, the Red Lion and Sun are not used, and the Red Shield of David is not officially recognised by the ICRC as a symbol associated with its international movement. The two most commonly-seen symbols are the Red Cross and the Red Crescent.

overall effectiveness and power of the Red Cross. He also pointed out that attaching religious significance to any of the symbols compromised the ICRC's neutrality, and wrote that:

The lack of agreement on a common symbol suggests disunity, lack of universality, lack of independence and an acceptance of politics of the very kind that Red Cross professes to abhor. It suggests partiality in favour of Christian and Muslim peoples and in favour of Iran. It suggests partiality against other religious-cultural groups and against Israel.⁴⁸⁴

This issue was being debated when Tansley presented his report, and as noted above, it is still being debated today. The ICRC and national societies are still attempting to agree upon a neutral emblem that is not offensive to any religious or ethnic group, yet captures the spirit of the Red Cross movement. Tansley suggested that the original symbol of the Red Cross on a white background be used, and that each individual national society place its own symbol beside the Red Cross. He thought that this would pay due respect to the origins of the Red Cross movement, and also symbolize the distinct religions, cultures, and nationalities of all the peoples in the movement.⁴⁸⁵ Recently, the ICRC publicly stated that it will continue to use the Red Cross as the main emblem of the movement, but it may adopt a third neutral emblem, perhaps a red diamond. It does not appear that the ICRC is willing to allow every national society to select its own emblem, to be used in conjunction with the Red Cross. Instead, it seems that the Committee is attempting to find a third, neutral emblem, that can be used by all national societies. No final decision has been made concerning the emblem, however, and this remains an important issue for future consideration of the ICRC.

⁴⁸⁴ Tansley, *Re-appraisal of the Role of the Red Cross*, 126.

⁴⁸⁵ Tansley, *Re-appraisal of the Role of the Red Cross*, 126.

Fourth, Tansley wrote about the nature of future conflict. He wrote that future wars would be more violent, and internal war would increase in frequency.⁴⁸⁶ He also focused on the role that non-governmental organizations (NGOs) would play in future conflicts. He pointed out that a single world government, such as the United Nations, was no longer capable of dealing with violent conflict, although major international governmental bodies would continue to play a significant role. However, the authority of an international government would be balanced by international organizations, and NGOs, such as the ICRC, which would play a more active role, partially to fill the void left by the decline in authority of the world government. Additionally, national groups and NGOs would gain influence, due to increases in conflict at the national level. He wrote that, "(NGOs) have forced governments to examine issues which would otherwise have been ignored or accorded a lower priority."⁴⁸⁷ He felt that the Red Cross, especially, was in an advantageous position, due to its dual nature. The Red Cross is international in character and scope, and also has its national societies.

As discussed in Chapter Three, international wars have decreased in frequency, and civil or ethnic conflict has become the norm.⁴⁸⁸ Also, Chapter Four examined the increasing number of humanitarian groups and relief actors, and the larger role that international and national NGOs play in internal wars.⁴⁸⁹ Tansley was therefore correct to

⁴⁸⁶ Tansley, *Re-appraisal of the Role of the Red Cross*, 58.

⁴⁸⁷ Tansley, *Re-appraisal of the Role of Red Cross*, 58-59.

⁴⁸⁸ See *The Rise of Civil and Ethnic Conflict*, examined in Chapter Three of this work.

⁴⁸⁹ See Chapter Four, especially the first 11 pages of the chapter; they deal exclusively with the increasing number of humanitarian groups, and the resulting politicization of humanitarian assistance.

predict more national conflicts, and he was also correct that NGOs would play a more significant role in these conflicts. However, he did not predict to what extent humanitarian groups would politicize the environment of aid, and the impact that such politicization would have on relief in general, and on the ICRC in particular. Nor did he discuss violence against humanitarian aid workers, which is not surprising. In 1976, deliberate attacks on ICRC workers were unheard of.⁴⁸⁰

Tansley's central proposal was that the Red Cross movement adopt one single, basic role. He argued that the movement was too diverse, with the ICRC involved in international and national conflicts, visits to political detainees, provision of food and medical relief, and representing humanitarian interests at the U.N. The national societies are involved in blood collection, swimming lessons, natural disaster relief, cleaning polluted beaches, and arranging holidays for physically and mentally challenged people.⁴⁸¹ He wanted the Red Cross to focus exclusively on providing relief to the victims of natural disasters, and the victims of armed conflict.⁴⁸² The Red Cross did not accept his proposal, and continued to provide its wide range of services and aid. Moreillon defends this decision by pointing out that the purpose of the Red Cross mandate is to "preserve and alleviate suffering and to preserve human dignity."⁴⁸³ The ICRC recognises, therefore, that suffering does not occur only in cases of emergency, or disaster, or war.

⁴⁸⁰ For an examination of attacks on aid workers, please refer to Chapter Three, the section entitled, The Targeting and Killing of ICRC Workers.

⁴⁸¹ Tansley, *Re-appraisal of the Role of the Red Cross*, 47.

⁴⁸² Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?": 597.

⁴⁸³ Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?": 598.

In future, the ICRC will undoubtedly continue to provide aid in a number of forms and situations. As discussed in Chapter Two, for example, the ICRC is successful in gaining access to a number of prisons in extremely isolationist states, and shows no indication of halting this particular form of relief to victims. Instead, as the recent case of Rwanda illustrates, the ICRC is expanding its role in relieving the conditions of political detainees and POWs.⁴⁸⁴

No evidence exists, therefore, to indicate that the ICRC will focus solely on emergency relief in the future. Instead, recent ICRC activities discussed in the thesis imply that it will expand and change its role in order to remain active in a variety of areas. Its decision to build prisons in Rwanda, and to accept armed escorts, and to suppress its emblem, all indicate that it is constantly redefining itself and its activities, and intends to provide assistance, whenever possible.

At present, the ICRC faces a number of difficult issues. Moreillon identifies two specific challenges that confront the ICRC in the twenty-first century. First, the ICRC must learn to live with chaos and unpredictability, and modify its assistance to meet the challenges presented by disorder.⁴⁸⁵ This challenge is recognised in Chapter Four of this thesis. As discussed, the ICRC's workers and delegates are often attacked by belligerents. It distinguishes between political and criminal attacks, and its reaction

⁴⁸⁴ In Chapter Two, there is a discussion about the ICRC's decision to build prisons in Rwanda, to accommodate the swelling number of prisoners, and to ameliorate the conditions of the buildings. The ICRC argues that its first priority is to the well-being of the victims, and building prisons improves the health and safety of Rwandan prisoners.

⁴⁸⁵ Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?": 607.

depends upon the nature of the attack. This is one way for the ICRC to live with the unpredictability of combatants' behaviour. It is one attempt to cope with chaos in ethnic and civil conflict, and to impose some order and control on an uncontrollable situation. In the future, the ICRC will face comparable situations, and must cope with them, in a way that does not diminish its neutrality, nor its humanitarian mission.

The second challenge Moreillon identifies is the prominence of civil and ethnic war. He notes especially, "the phenomenon of nationalism...whereby the individual is treated in accordance with the passport he bears, his ethnic group, religion or his political persuasion."⁴⁹⁶ He argues that "extreme nationalism" is violent, unpredictable, and therefore dangerous. He asks, have civil conflicts become too dangerous, and should the ICRC pull back in cases of civil or ethnic conflict?⁴⁹⁷ Eric Roethlisberger, the Vice-President of the ICRC, asks a similar question: should the ICRC rethink its code of ethics, and modify its policy to meet the challenges present in civil conflict? He points out that neutrality is extremely difficult to maintain in chaotic circumstances, and he admits that there are times when it would be easier if neutrality could be abandoned.⁴⁹⁸ He questions the ICRC's guiding principles, and asks whether they should be less important than they are. Can and should they be compromised to meet the challenge of internal conflict?

⁴⁹⁶ Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?": 607-608.

⁴⁹⁷ Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?": 608-609.

⁴⁹⁸ Eric Roethlisberger, "Faced with today's and tomorrow's challenges, should the International Red Cross and Red Crescent Movement rethink its code of ethics?" Cologne, Congress of the Future of the German Red Cross, Keynote address, 3-5 May 1996.

Both Moreillon and Roethlisberger recognise, therefore, that civil and ethnic conflict present a challenge to the ICRC's neutral mandate, and threaten the safety of workers. Despite these concerns, however, neither encourages withdrawal from humanitarian assistance in cases of internal war. Moreillon is cautious in his approach, and writes,

I have been trying, with some caution, to address the issue of the Movement's future role...I believe that, in essence, our mission should remain that of helping the helpless...our contribution to peace must remain indirect to be effective, but must be based on an overall awareness of what constitutes peace.⁴⁹⁹

Roethlisberger is more forthcoming in his perspective. He asks, "Should we rethink - in the sense of attenuating or even replacing them - our ethics...Certainly not! Quite to the contrary: what the Movement needs is to strengthen and reaffirm its code of ethics."⁵⁰⁰

Based on the discussion above, and the arguments presented in Chapters Three and Four, therefore, no evidence exists to suggest that the ICRC will diminish its role in civil or ethnic conflict, despite the risks presented to its workers. It appears that in future, the ICRC will continue to be active in civil wars, and will continue to maintain a neutral position. Its primary concern will be to assist the victims of war, and it will do so, under chaotic circumstances, and despite danger and unpredictability.

Although the future decisions of the ICRC are impossible to predict accurately, evidence supports four theories presented in this thesis concerning future ICRC activity. First, it is likely that the ICRC will refuse to work closely with other humanitarian groups,

⁴⁹⁹ Moreillon, "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?": 608.

⁵⁰⁰ Roethlisberger, "Faced with today's and tomorrow's challenges, should the International Red Cross and Red Crescent Movement rethink its code of ethics?" Congress of the Future of the German Red Cross.

and with the United Nations. Evidence presented in the fourth chapter suggests that it will remain as committed to non-political action as possible, and will struggle to maintain its independence from other groups. To be successful, it must avoid associations with political humanitarian groups, and focus on the needs of the victims.

As discussed in Chapter Two, the "second wave of humanitarian action" surfaced in 1971, with the creation of *Médecins Sans Frontières* (MSF).⁵⁰¹ The second wave is extremely critical of the ICRC, and several groups, such as MSF, look to the ICRC as an example of how not to engage in humanitarian assistance. This rivalry creates tension and competition between humanitarian groups, and it will undoubtedly continue. The ICRC must attempt to remove itself from the environment of political humanitarian assistance, and must focus on its neutral mandate, and its duty to advocate on behalf of the victims of conflict.

Second, it will continue to adapt its neutral mandate to meet the needs of specific situations. Although its decisions may be controversial, it will attempt to balance its neutrality with the needs of the victims of war and conflict. Its neutral stance must be flexible, and this will probably be criticized by other humanitarian groups. It will continue to accept armed protection in cases of criminal attacks, and will negotiate with combatants in cases of political attacks. It will also suppress its emblems in extreme cases of conflict, and when the emblem places its workers in danger.

Third, its neutral emblem will be a cause for concern and debate. Unfortunately, this issue is a source of division within the movement itself, and damages the unity of the

⁵⁰¹ Please refer to pages 59 through 65, respectively, of this work, for a discussion of MSF's inception and its criticisms about the ICRC.

Red Cross organization. The ICRC and national societies must reach an agreement that is satisfactory for all parties involved. The agreement must reflect the neutrality of the international mandate, yet still recognise the diversity of the national societies. Without a unified movement, the Red Cross is working against itself, and this is to the detriment of its activities and goals. The question of the emblem must be resolved in the near future.

Fourth, the ICRC will remain active in civil and ethnic conflict. Unfortunately, it will probably continue to experience attacks on its workers, and more people will die carrying out their humanitarian duties. Despite these risks, however, the ICRC will not stop assisting the victims of internal conflict. To protect its workers, the ICRC will compromise its neutrality, and under particular circumstances of extreme danger or criminal activity, it will agree to armed escorts, and will suppress the emblem. These compromises are acceptable to the ICRC, because it is fulfilling its humanitarian duty to the victims. In future, its neutral mandate must remain flexible, and the ICRC must be open to changes in policy and procedure. It cannot become rigid or fixed in its guidelines; it must accept that relative, compromised neutrality will sometimes be necessary to remain active in certain cases. The ICRC must be committed to the spirit of neutral humanitarian assistance, but it cannot be inflexible concerning the shape that neutrality takes. It must be willing to accept different forms and structures of neutral action, so long as it remains true to the essence of its movement: it must help the helpless.

Conclusion

The Soul is still the same, the Figure only lost;
And, as the soften'd Wax new Seals receives,
This Face assumes, and that impression leaves;
Now call'd by one, now by another Name;
The Form is only chang'd, the Wax is still the same.⁵⁰²

The International Committee of the Red Cross places neutrality at the heart of its mandate for humanitarian assistance. Although the concept of neutrality appears, on the surface, to be straight-forward, this thesis has shown that neutrality as envisioned and embodied by the ICRC is not at all a simple concept. The ICRC's neutrality takes many different shapes, and is expressed in many different ways.

The ICRC is an advocate on behalf of all people who suffer, through war, disaster, famine, or poverty. It was granted observer status at the United Nations, and it uses its influence at the U.N. to call attention to the needs of the helpless, and all victims of conflict or disaster. This is not a political aim. Its position at the U.N. is not primarily to advance its own cause, nor is it to meet a political agenda. It is for the ICRC to speak on behalf of those who cannot speak for themselves, and to remind the international community that human suffering exists on a grand scale, and assistance must be provided for those who suffer. The ICRC's neutral mandate takes the form of public advocacy, on behalf of the victims of war and disaster.

The ICRC also visits political detainees and prisoners-of-war (POWs). Its delegates ensure that prison conditions are consistent with the standards codified in international humanitarian law, and advocate for change and improvement if conditions are unsatisfactory. Its sole purpose when visiting prisoners is to verify that the safety, health,

⁵⁰² Ovid, *The Metamorphoses*. (New York: Anchor Books, 1963), 107.

and rights of prisoners are protected and respected. The ICRC's mandate of neutrality forbids its delegates from expressing any opinion on the political agendas of the detaining state authorities. The ICRC is not concerned with the crimes, alleged or otherwise, of prisoners. Its delegates do not publicly report what they have observed in the prisons, and the ICRC's code of silence forbids it from divulging that information. The ICRC's neutrality, therefore, is epitomized in silence and quiet advocacy.

In cases of civil or ethnic conflict, the ICRC refuses to work closely with other humanitarian assistance agencies, and it does not work with the United Nations or state militaries. Its neutral mandate places restraints on its associations, and does not allow the ICRC to work with political or military groups. To enter a partnership with a governmental or military body would give the ICRC's activity a political dimension that would threaten its neutrality. The ICRC cannot contribute in any way to a conflict, and if it associates itself with the U.N. or a state military, it fears that it will be perceived to support the cause of one or the other of the warring factions. As a neutral humanitarian body, the ICRC cannot represent any political interests. In this way, therefore, the ICRC's neutrality requires independence, and remaining distinct and separate from other humanitarian groups and organizations.

Due to the nature of the ICRC's work in civil or ethnic conflict, there are a number of factors that complicate its principle of neutrality. One serious complication is the fact that belligerents sometimes attack ICRC workers. The attacks may be politically motivated, or they may be a manifestation of the overall breakdown of law and order in the country. These attacks endanger the security of the workers and delegates, and sometimes result in the death of ICRC personnel. The ICRC must attempt to remain faithful to its neutrality,

yet protect its workers at the same time. In Somalia and Rwanda, cases of criminal attacks and banditry, such as the theft of food, medical supplies, and vehicles, are so prevalent that they impede the ICRC's ability to fulfil its humanitarian duties and provide assistance for the victims of the conflicts. In cases such as these, the ICRC accepts armed escorts from local "technicals", to protect its supplies and workers when engaged in their humanitarian duties. It also places armed guards in its compounds to guard its food and buildings against vandalism and attacks.

In these cases, therefore, the ICRC's neutrality is not as obvious as in the situations discussed above. Acceptance of armed protection appears to contradict the ICRC's neutral role, and also appears to introduce a military aspect to its assistance and relief missions. However, the ICRC argues that its neutrality is not betrayed, because it is protecting itself against criminal attacks. When attacks on workers are political, such as the case of Chechnya, the ICRC withdraws from the area, and attempts to negotiate with combatants. The ICRC argues that if it accepts armed protection under political circumstances, then it is contributing to the environment of war, by exacerbating the tension and hostility. The purpose of the escorts and guards is not to protect workers from the dangers of war itself, but from common criminals and bandits. For the ICRC, this is a critical distinction to make, because this distinction prevents it from directly or indirectly adding to the climate of conflict.

Another controversial embodiment of its neutral mandate is the conscious suppression of the Red Cross emblem, in certain situations. In Afghanistan, for example, the Taliban is an extremist fundamentalist group, and refuses to cooperate with the ICRC if its emblem is displayed. In this case, therefore, the ICRC realises that suppressing its

emblem advances the cause of the victims, and protects its workers. In Afghanistan, the ICRC's respect of the Taliban's religious convictions facilitates cooperation between the religious group and the ICRC, and results in the ICRC's ability to assist the victims.

Again, the ICRC's neutrality is not evident at first glance, and its decision to suppress its emblem appears to go against its neutral mandate. However, the ICRC has decided that in extreme circumstances, it is better able to assist victims if it compromises its neutrality. The ICRC must constantly balance its neutrality against the needs of the victims, and will often compromise its neutral stance to help those in distress.

Although it sometimes appears that the ICRC's neutrality is non-existent, or that it has made a serious mistake, and stepped into a political role, closer examination usually reveals that neutrality is still present, it has simply changed form. All of the activities described above are faithful to the ICRC's neutrality, yet some are more obviously so. Or, put another way, some compromises to the principle of neutrality are more evident than others.

The ICRC's embodiment of neutrality is extremely complex, flexible, and multi-faceted. Despite the complexity inherent in its perception of the concept, however, its manifestations are usually consistent with the ICRC's understanding of the spirit of neutral humanitarian action. Its activities focus on relief for the wounded, the sick, the helpless, and those in distress.

The original name of the ICRC was the "International Committee for Relief to the Wounded", adopted on 17 February, 1863, dedicated to assisting soldiers wounded on the battlefield. One hundred and thirty-five years later, the ICRC has not moved far from its modest beginnings. It is indeed more diverse in scope, and exemplifies humanitarian

assistance to victims in more ways than just on the field of battle. At present, it is a very different organization than Henri Dunant originally imagined. Its essence, however, remains the same. Dunant's compassion for the helpless, and those in distress, is very much present in the ICRC today. Although its neutrality may be compromised, its commitment to human beings who are the victims of conflict, is unwavering, unchanging, and uncompromising.

BIBLIOGRAPHY

BOOKS

- Ablin, David A. and Marlowe Hood, ed. *The Cambodian Agony*. New York: M.E. Sharpe, Inc., 1990.**
- Akehurst, Michael. *A Modern Introduction to International Law*. New York: Routledge, 1991.**
- Bailey, S. *Prohibitions and Restraints in War*. Oxford: University Press, 1972.**
- Baird, Jay W., ed. *From Nuremberg to My Lai*. Lexington: D.C. Heath and Company, 1972.**
- Best, Geoffrey. *Humanity in Warfare; The Modern History of the International Law of Armed Conflicts*. London: Methuen & Co. Ltd., 1983.**
- Brett, Rachel and Margaret McCallin. *Children - The Invisible Soldiers*. Sweden: Radda Barnen, 1996.**
- Brewin, Andrew and David MacDonald. *Canada and the Biafran Tragedy*. Toronto: James Lewis & Samuel, Publishers, 1970.**
- Chomsky, Noam. *Peace in the Middle East? Reflections on Justice and Nationhood*. New York: Vintage Books, 1969.**
- Daudin, Pascal and Herman Reyes. *International Responses to Traumatic Stress*. New York: Baywood Publishers, 1995.**
- Duffield, Mark and John Prendergast. *Without Troops & Tanks. Humanitarian Intervention in Ethiopia and Eritrea*. New Jersey: The Red Sea Press Inc., 1994.**
- Dunant, Henry. *A Memory of Solferino*. Washington: American Red Cross, 1979.**
- Forsyth, Frederick. *The Biafra Story*. Great Britain: Cox & Wyman Ltd., 1969.**
- Forsythe, David P. *Humanitarian Policies: The International Committee of the Red Cross*. Geneva: ICRC, 1977.**
- Freymond, Jacques. *Guerres, Révolutions, Croix-Rouge: Reflections sur le rôle du Comité international de la Croix-Rouge*. Genève: Institut Universitaire de Hautes Études Internationales, 1976.**
- Gemer, Deborah J. *One Land, Two Peoples: The Conflict over Palestine*. Boulder: Westview Press, 1991.**

- Goldstein, Joseph, and Burke Marshall and Jack Schwartz. *The My Lai Massacre and Its Cover-up: Beyond the Reach of Law?* New York: The Free Press, 1976.**
- Gurr, Ted and Barbara Harff. *Ethnic Conflict in World Politics*. Boulder: Westview Press, 1994.**
- Hentsch, Thierry. *Face au Blocus: La Croix-Rouge internationale dans la Nigéria en guerre (1967-1970)*. Genève: Institut Universitaire De Hautes Études Internationales, 1973.**
- Howard, Michael, ed. *Restraints On War: Studies in the Limitation of Armed Conflict*. Oxford: Oxford University Press, 1979.**
- Howard, Michael. *Studies in War and Peace*. New York: The Viking Press, 1959.**
- Hughes, Barry B. *Continuity and Change in World Politics: Competing Perspectives*. New Jersey: Prentice-Hall, Inc., 1997.**
- Hutchinson, John F. *Champions of Charity: War and the Rise of the Red Cross*. Boulder: Westview Press, 1996.**
- Ignatieff, Michael. *The Warrior's Honour: Ethnic War and the Modern Conscience*. Toronto: The Penguin Group, 1998.**
- Jacobsen, Harold. *Network of Independence: International Organizations and the Global Political System*. New York: Alfred A. Knopf, 1979.**
- Junod, Marcel. *Warrior Without Weapons*. Geneva: ICRC, 1982.**
- Keen, M.H. *The Laws of War in the Late Middle Ages*. Toronto: University of Toronto Press, 1965.**
- Kouchner, Bernard. *Le Malheur des Autres*. Paris: Éditions Odile Jacob, 1991.**
- Melman, Seymour. *In the Name of America: The Conduct of the war in Vietnam by the armed forces of the United States as shown by published reports. Compared with the Laws of War binding on the United States Government and on its citizens*. Virginia: The Tumpike Press, 1968.**
- Minnear, Larry and Thomas G. Weiss. *Mercy Under Fire: War and the Global Humanitarian Community*. Oxford: Westview Press, 1995.**
- Oppenheim, L. *International Law, Volume II, Disputes, War and Neutrality, Seventh Edition*. London: Longmans and Green, 1952.**
- Ovid. *The Metamorphoses*. New York: Anchor Books, 1963.**

- Paris, Edmund. *Genocide in Satellite Croatia*. Chicago: American Institute for Balkan Affairs, 1961.**
- Perry, Clive, ed. *The Consolidated Treaty Series: 1864*. Volume 129. New York: Oceana Publications, 1969.**
- Pictet, Jean. *Development and Principles of International Humanitarian Law*. Geneva: Henry Dunant Institute, 1985.**
- *The Fundamental Principles of the Red Cross*. Geneva: ICRC Publishers, 1979.**
- Prendergast, John. *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa*. Boulder: Lynne Rienner Publishers, 1996.**
- Roberts, Adam and Richard Guelff, ed. *Documents on the Laws of War*. Oxford: Clarendon Press, 1982.**
- Schindler and Toman, ed. *The Laws of Armed Conflicts*. Dordrecht: Martinus Nijhoff Publishers, 1988.**
- Uwechue, Raph. *Reflections on the Nigerian Civil War: Facing the Future*. New York: Africana Publishing Corporation, 1971.**
- Vickery, Michael. *Cambodia: 1975-1982*. Boston: South End Press, 1984.**
- Visser 't Hooft, ed. *First Assembly of the World Council of Churches*. London: 1949.**
- Voll, John O. *Sudan: State and Society in Crisis*. Bloomington: Indiana University Press, 1991.**
- Voll, John Obert and Sarah Potts Voll. *The Sudan: Unity and Diversity in a Multicultural State*. Boulder: Westview Press, 1985.**
- von Clausewitz, Carl. *On War*. New York: Princeton University Press, 1977.**
- Von Glahn, Gerhard. *Law Among Nations: An Introduction to Public International Law, Seventh Edition*. Boston: Allyn and Bacon, 1996.**
- Wai, Dunstan M. *The African-Arab Conflict in the Sudan*. New York: Africana Publishing Company, 1981.**
- Willemin, Georges and Roger Heacock (under direction of Jacques Freymond). *The ICRC*. Boston: Martinus Nijhoff Publishers, 1984.**

ESSAYS WITHIN BOOKS

- Best, Geoffrey.** "Restraints on War by Land Before 1945." In *Restraints on War: Studies in the Limitation of Armed Conflict*, edited by Michael Howard. London: Oxford University Press, 1979.
- Bettati, Mario.** "*Assistance humanitaire et droit international.*" In *Les Droits de l'Homme et la nouvelle Architecture de l'Europe*. Nice: Institute of Peace and Development Law, 1991.
- Brauman, Rony.** "The *Médecins Sans Frontières* Experience." In *A Framework for Survival: Health, Human Rights and Humanitarian Assistance in Conflicts and Disasters*, edited by Kevin M. Cahill. New York: Basic Books, 1993.
- Cuny, Frederick C.** "Humanitarian Assistance in the Post-Cold War Era." In *Humanitarianism Across Borders*, edited by Larry Minnear and Thomas G. Weiss. Boulder: Lynne Rienner, 1993.
- Desthèxe, A.** "*Rwanda: essai sur la génocide.*" In *Éditions Complexe*. Brussels, 1994.
- Fluehr-Lobban, Carolyn.** "Islamization in Sudan: A Critical Assessment." In *Sudan: State and Society in Crisis*, edited by John O. Voll. Bloomington: Indiana University Press, 1991.
- Johnston, Philip.** "Relief and Reality." In *A Framework for Survival: Health, Human Rights and Humanitarian Assistance in Conflicts and Disasters*, edited by Kevin M. Cahill. New York: Basic Books, 1993.
- Leaning, Jennifer.** "When the system doesn't work: Somalia in 1992." In *A Framework for Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters*, edited by Kevin M. Cahill. New York: Basic Books, 1993.
- Meurant, Jean.** "*Principles fondamentaux de la Croix Rouge et humanitarisme moderne.*" In *Studies and Essays on International Humanitarian Law and Red Cross Principles*, edited by Christophe Swinarski. Geneva, The Hague: ICRC Publishers, 1984.
- Van Boven, Theo C.** "Some Reflections on the Principle of Neutrality." In *Studies and Essays on International Humanitarian Law and Red Cross Principles*, edited by Christophe Swinarski. Geneva, The Hague: ICRC Publishers, 1984.

JOURNAL ARTICLES

- Armstrong, J.D.** "The International Committee of the Red Cross and political prisoners." *International Organization* 39 (Autumn 1985): 615-642.

- Blondel, Jean-Luc. "Getting Access to the Victims: Role and Activities of the ICRC." *Journal of Peace Research* 24 (1987): 307-313.**
- Boissier, Leon. "The Silence of the ICRC." *Journal de Genève* (19 January 1968).**
- Bugnion, Francois. "ICRC Action During the Second World War." *International Review of the Red Cross* 317 (January/February 1997): 156-177.**
- "17 December 1996: Six ICRC delegates assassinated in Chechnya." *International Review of the Red Cross* 317 (January/February 1997): 140-142.**
- Caratsch, Claudio. "Humanitarian Design and Political Interference: Red Cross Work in the Post-Cold War Period." *International Relations* 11 (April 1993): 301-313.**
- Comtesse, Philippe. "The new vulnerability of humanitarian workers: what is the proper response? An ICRC delegate's view." *International Review of the Red Cross* 317 (January/February 1997): 143-151.**
- Davis, Morris. "The International Committee of the Red Cross and its Practice of Self-Restraint." *Journal of Voluntary Action Research* 4 (1975): 63-68.**
- Doswald-Beck, Louise. "The Civilian in the Crossfire." *Journal of Peace Research* 24 (1987).**
- Doswald-Beck, Louise and Sylvain Vite. "International Humanitarian Law and Human Rights Law." *International Review of the Red Cross* 293 (January/February 1993).**
- Draper, G.I.A.D. "Humanitarianism in the Modern Law of Armed Conflicts." *International Relations* 11 (December 1992): 239-251.**
- Durr, Olivier. "Humanitarian Law of Armed Conflict: Problems of Applicability." *Journal of Peace Research* 24 (1987): 263-273.**
- Forsythe, David P. "The Red Cross as Transnational Movement: Conserving and Changing the Nation-State System." *International Organization* 30 (Autumn, 1976): 607-629.**
- "Human Rights and the International Committee of the Red Cross." *Human Rights Quarterly* 12 (1990): 265-289.**
- "Choices More Ethical Than Legal: The International Committee of the Red Cross and Human Rights." *Ethics and International Affairs* 7 (1993): 131-151.**
- "The International Committee of the Red Cross and humanitarian assistance - A policy analysis." *International Review of the Red Cross* 314 (September/October 1996): 512-531.**

- Freymond, Jacques. "The International Committee of the Red Cross Within the International System." *International Review of the Red Cross* 314 (May 1972).**
- "Geneva Conventions for the protection of war victims of 12 August 1949 and Additional Protocols of 8 June 1977. Ratifications, accessions and successions as at 31 December 1996." *International Review of the Red Cross* 317 (January/February 1997): 211-218.**
- Haroff-Tavel, Marion. "Internal violence." *International Review of the Red Cross* 294 (March/April 1993): 195-220.**
- Haug, Hans. "Neutrality as a Fundamental Principle of the Red Cross." *International Review of the Red Cross* 315 (November/December 1996): 627-630.**
- Heiberg, Astrid Noklebye. "Handling the tragedy in Novye Atagi - The Norwegian Red Cross Experience." *International Review of the Red Cross* 318 (March/April 1997): 311-318.**
- Helman, Gerald B. and Steven R. Ratner. "Saving Failed States." *Foreign Policy* 89 (winter 1992-1993): 3-20.**
- Meurant, Jacques. "*Inter Arma Caritas: Evolution and Nature of International Humanitarian Law.*" *Journal of Peace Research* 24 (1987): 237-246.**
- Meyer, Michael. "Why the Red Cross and Red Crescent Should Look Before it Leaps." *International Review of the Red Cross* 315 (November/December 1996): 614-626.**
- Moreillon, Jacques. "The promotion of peace and humanity in the twenty-first century. What role for the Red Cross and the Red Crescent?" *International Review of the Red Cross* 303 (November/December 1994): 595-610.**
- Plattner, Denise. "Assistance to the Civilian Population: the Development and Present State of International Humanitarian Law." *International Review of the Red Cross* 288 (May/June 1992): 249-263.**
- "ICRC Neutrality and Neutrality in Humanitarian Assistance." *International Review of the Red Cross* 311 (March/April 1996): 161-179.**
- Roethlisberger, Eric. "Faced with today's and tomorrow's challenges, should the International Red Cross and Red Crescent Movement rethink its code of ethics?" *International Review of the Red Cross* 312 (May/June 1996): 326-330.**
- Rosas, Allan and Par Stenbeck. "The Frontiers of International Humanitarian Law." *Journal of Peace Research* 24 (1987): 219-234.**

Russbach, R. and D. Fink. "Humanitarian action in current armed conflicts: opportunities and obstacles." *Medicine and Global Survival* 4 (1 December 1994): 188-199.

Sandoz, Yves. "The Red Cross and Peace: Realities and Limits." *Journal of Peace Research* 24 (1987): 287-295.

----- "*Droit* or '*devoir d'ingérence*' and the right to assistance: the issues involved." *International review of the Red Cross* 288 (May/June 1992): 215-227.

Schmidt, Frank. "Recommendations for improving the security of humanitarian workers." *International Review of the Red Cross* 317 (January/February 1997): 152-155.

Slim, Habib. "Protection of the red cross and red crescent emblems and the repression of misuse." *International Review of the Red Cross* 272 (September/October 1989): 420-437.

Sommaruga, Cornelio. "Assistance to the victims of war in international humanitarian law and humanitarian practice." *International Review of the Red Cross* 289 (July/August 1992): 373-382.

-----"Respect for international humanitarian law: ICRC review of five years of activity (1987-1991)." *International Review of the Red Cross* 286 (January/February 1992): 75-93.

----- "Swiss neutrality, ICRC neutrality: are they indissociable?" *International Review of the Red Cross* 288 (May/June 1992): 264-273.

-----"Unity and plurality of the emblems." *International Review of the Red Cross*: 333-338.

MAGAZINES

Ignatieff, Michael. "Unarmed Warriors." *The New Yorker*, 24 March 1997, 54-71.

Seiler, Hansjoerg. "Neutrality: Dilemma for Switzerland." *General Swiss Military Magazine*, April 1997.

Tauxe, Jean-Daniel. "Why did the ICRC help to build prisons in Rwanda?" *Red Cross, Red Crescent*, January 1996, 28.

PRESS RELEASES AND NEWS

"Afghanistan: ICRC gains access to Taliban places of detention." *ICRC News* 18. 9 May 1995.

"Breaking the Cycle." Press Release issued by *Médecins Sans Frontières*. 10 November 1996.

- "Central Africa Republic." ICRC News 97/02. 16 January 1997.**
- "East Timor: ICRC visits detainees in Baucau." ICRC News 96/24. 19 June 1996.**
- "Fact Sheet: ICRC activities in Somalia." ICRC Press Release, 30 September 1996.**
- "ICRC deploras death of Afghan staff member." ICRC Press Release 97/29. 20 October 1997.**
- "ICRC deploras death of Red Cross volunteer in Brazzaville." ICRC Press Release 97/31. 24 November 1997.**
- "ICRC deploras murder of employee in Cambodia." ICRC Press Release 97/01. 3 January 1997.**
- "ICRC deploras murder of employee in Sri Lanka." ICRC Press Release 98/01. 12 January 1998.**
- "ICRC denounces killing of employee in Kinshasa." ICRC Press Release 98/02. 13 January 1998.**
- "ICRC in shock: six delegates assassinated in Chechnya." ICRC Press Release 96/38. 17 December 1996.**
- "ICRC withdraws its delegates from Burundi." ICRC Press Release 96/21. 11 June 1996.**
- "The ICRC and the use of armed guards." ICRC News 97/04. 30 January 1997.**
- "The ICRC in action: Annual Report 1995." ICRC News. 31 May 1996.**
- "The ICRC in 1994: Impressive Figures." ICRC News 09-95. 1 March 1995.**
- "The ICRC worldwide from January to September 1997." ICRC Press Release. 17 November 1997.**
- "The Mission of the International Committee of the Red Cross (ICRC)." ICRC Press Release. 17 June 1996.**
- "The Red Cross Emblem." ICRC Press Release 97/26. 22 September 1997.**
- "The red cross and red crescent emblems - Special issue." ICRC News 97/39. 2 October 1997.**
- "Red Cross and Red Crescent Movement reaffirms attachment to its emblems." ICRC Press Release 97/33. 27 November 1997.**
- "Rwanda." ICRC Press Release. 23 May 1995.**

- "Rwanda: ICRC News 97/03. 22 January 1997.**
- "Rwanda: ICRC increases staff for prison visits." ICRC News 18. 9 May 1995.**
- "Rwanda: ICRC sounds alarm on appalling prison conditions." ICRC Press Release 95/8. 31 March 1995.**
- "Rwanda: one year on." ICRC News 14. 5 April 1995.**
- "Rwanda: prison conditions still appalling." ICRC News 21. 24 May 1995.**
- "Rwanda: saving the lives of detainees." ICRC News 44. 1 November 1995.**
- "Sarajevo/Bosnia-Herzegovina: ICRC calls on belligerents to respect Red Cross emblem." ICRC Press Release 95/5. 13 March 1995.**
- "Sierra Leone: ICRC deploras staff member's death." ICRC Press Release 98/13. 27 March 1998.**
- "Somalia: ICRC and International Federation extremely concerned by the plight of abducted staff." ICRC Press Release 98/16. 20 April 1998.**
- "Somalia: Red Cross/Red Crescent hostage crisis enters second week." ICRC News 98/16. 23 April 1998.**
- "Somalia: Red Cross/Red Crescent staff kidnapped in Mogadishu." ICRC Press Release 98/15. 15 April 1998.**
- "Somalia: Ten Red Cross/Red Crescent staff abducted in Mogadishu." ICRC News 98/15. 16 April 1998.**
- "Sri Lanka: active neutrality." ICRC News 96/43. 30 October 1996.**
- "Sudan: ICRC calls for release of staff and patients." ICRC Press Release 96/35. 6 November 1996.**
- "Sudan: ICRC team released." ICRC Press Release 96/37. 8 December 1996.**
- "Tajikistan: ICRC shocked by hostage's death." ICRC News 97/48. 4 December 1997.**
- "Tajikistan: ICRC visits 110 prisoners held by opposition forces." ICRC News 96/49. 11 December 1996.**
- "Three ICRC delegates killed in Burundi." ICRC Press Release 96/20. 4 June 1996.**
- "Three killed in Rwanda." Weekly News, 18 September 1997.**
- "Update No. 97/01 on ICRC activities related to the Zairian crisis." ICRC Press Release 97/01. 8 January 1997.**

NEWSPAPERS

Locard, H. "Hunting KR roots among hill tribes." *Phnom Phen Post*, 20 May-2 June 1994, 14.

"Red Cross withdraws from Lebanon." *The Globe and Mail*, 21 December 1988, A11.

Senyk, Nadia A. "Crossfire." *The Toronto Star*, 26 May 1992, A19.

"UN votes to pull out of Rwanda." *The Globe and Mail*, 22 April 1994, A1 and A11.

"11 Red Cross workers slain in Somalia." *The Vancouver Sun*, 26 August 1992, A7.

REPORTS

Aid Under Fire. The Department of Humanitarian Affairs. UNST/DHA (05) 17. New York: United Nations, 1995.

Borton, John. "Humanitarian Aid and Effects." In *The International Response to Conflict and Genocide Synthesis Report*. March, 1996.

Dishonoured Legacy. The Lessons of the Somalia Affair. Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. Volume 1. Ottawa: Minister of Public Works and Government Services Canada, 1997.

Report: Minorities in Cambodia. United Kingdom: Minority Rights Group, 1995.

Tansley, Donald D. **Re-appraisal of the Role of the Red Cross. Final Report. An Agenda for Red Cross.** Geneva: Henry Dunant Institute, 1976.

Verney, Peter. **Report: Sudan, Conflict and minorities.** United Kingdom: Minority Rights Group, 1995.

LEGAL DOCUMENTS

Lieber, Francis. **Instructions for the Government of Armies in the Field.** In *The Laws of Armed Conflicts*, edited by Schindler and Toman. Dordrecht: Martinus Nijhoff Publishers, 1988.

ICRC INTERNAL DOCUMENTS

"Memo of Protection," Annex 2 of the ICRC's "Reaffirmation and Development of the Humanitarian Laws and Customs applicable in Armed Conflicts." Geneva: ICRC Publishers, 1949.

"Questionnaire on the Protection of the Civilian Population against the Dangers arising from Hostilities." Document 1157. ICRC Records, 1970.

PUBLIC DOCUMENTS

International Committee of the Red Cross. Geneva, Switzerland: Public Information Division.

Amnesty International Medical Commission. London, 1996.

SPEECHES

de Courten, Jean. "The new humanitarian challenges." Keynote address to the Heads of military training. Geneva, 14-17 October 1997.

Hay, Alexandre. "The ICRC and International Humanitarian Issues." Speech. Independent Commission on International Humanitarian Issues. New York, 12 November 1983.

Sandoz, Yves. "The right to intervene and international law in the humanitarian field. Towards a new concept of national sovereignty." Public hearing on the right of humanitarian intervention. Committee of Foreign Affairs and Security of the European Parliament. Brussels, 25 January 1994.

Sommaruga, Cornelio. "Improving respect for international humanitarian law: a major challenge for the ICRC." Fourth George Seward Lecture. International Bar Association. Geneva, 3 June 1994.

-----"Humanitarian law and human rights in the legal arsenal of the ICRC." Graduate Institute of International Studies. Geneva, 16 March 1995.

-----"Relationship between humanitarian action and political-military action." Keynote address. International Symposium. Brussels, 9-11 February 1998.

UNITED NATIONS DOCUMENTS/ICRC STATEMENTS

"Comprehensive review of the whole question of peacekeeping operations in all their aspects." United Nations, General Assembly 52nd session, Fourth Committee, Agenda item 88. Statement by the International Committee of the Red Cross (ICRC). New York, 12 November 1997.

Economic and Social Council. Commission on Human Rights. Fifty-first session. Agenda item 12. New York, 7 March 1995. E/CN.4/1995/L.88/Rev.1.

DISCUSSION PAPERS

Duffield, Mark. Discussion paper for Aid Under Fire Conference. Wilton Park. London. April, 1995.

INTERVIEWS

Forsythe, David P. Interview by author. Tape recording. Toronto, Ontario, 19 March 1997.

Graven, Sophie. Interview by author. Telephone conversation. Windsor-Ottawa, Ontario, 29 April 1998.

Helou, Denzil. Interview by author. Tape recording. Windsor, Ontario, 6 November 1997.

INTERNET SOURCES

ICRC Home Page. <http://www.icrc.org>

Save The Children Home Page. www.rb.se

UNICEF's news service, "Gemini". <http://www.oneworld.org/gemini/june/angola/html>

OTHER SOURCES

The Holy Bible, Old and New Testaments. King James Version.

The Oxford English Dictionary. Oxford: Clarendon Press, 1993.

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