

**Zeitschrift:** Swiss review : the magazine for the Swiss abroad  
**Herausgeber:** Organisation of the Swiss Abroad  
**Band:** 26 (1999)  
**Heft:** 3

**Artikel:** Interview with Cornelio Sommaruga : "The problem is in implementing the law"  
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**DOI:** <https://doi.org/10.5169/seals-907008>

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Interview with Cornelio Sommaruga

## "The problem is in implementing the law"

**The four Geneva Conventions form the key pillars of humanitarian civil rights. On the occasion of the 50th anniversary of the Geneva Conventions on 12 August 1999, Cornelio Sommaruga, President of the International Committee of the Red Cross (ICRC), discusses the modern challenges facing this set of treaties.**



**The mass exodus of civilian populations is one of the worst aspects of modern armed conflicts. (Photo: IKRK)**

**The aim of the Geneva Conventions of 1949 is to ameliorate the protection of civilians in times of war and conflict. In your opinion has something akin to a humanitarian minimum standard managed to establish itself in the international system?**

The Geneva Conventions define the minimum standard in times of armed conflict. They offer less protection than the human rights system but focus instead on the essential rights: the right

to life, to physical and intellectual integrity, and to dignity. Almost all states have signed the relevant agreements. Unlike human rights legislation, international humanitarian rights are not subject to political polemics. The values they embody are recognised by the international community, though this does not mean they are always respected.

**What is the greatest problem in terms of respecting these conventions?**

In times of classical conflict, war was the prerogative of the military. Civilians were essentially kept out of matters of war. Nowadays the civilian population is at the centre of many armed conflicts, either because it is forced to flee or because a deliberate campaign of annihilation is being followed. Such belligerent objectives are completely contrary to the spirit and letter of the conventions. On the other hand the states which are party to the Geneva Conventions are obligated not only to respect the conventions but also to ensure that they are respected. Unfortunately, it would appear that the latter is not always a priority.

**What practical measures does the ICRC take to promote the Geneva Conventions?**

The ICRC enacts a range of measures. Its very presence in the theatre of conflict can have a deterrent effect. It also vigorously canvasses civilian and military authorities in order to impel them to respect international humanitarian rights. Finally, the ICRC actively and discreetly pursues diplomatic efforts to persuade external parties who are in a position to influence the protagonists of a conflict and ensure that certain rules are observed.

**One of the main problems is the increase in internal conflicts. Are there grounds for extending the Geneva Conventions to this type of conflict?**

The Geneva Conventions of 1949 were supplemented in 1977 by additional protocols which have been ratified by

a growing number of states. Protocol II expressly governs non-international armed conflicts and offers victims of civil war greater protection than the conventions. In our opinion, however, the problem lies not so much with adapting the law to contemporary reality, but rather with the mechanisms in place for implementation of this law.

**The ICRC has shifted its focus of activities to third-world countries. To what extent does this geographical diversification affect the monitoring of adherence to the Geneva Conventions?**

The ICRC was founded in the heart of Europe at a time when Europe was the centre of the world. Nowadays we have almost 8000 employees distributed among around 60 countries. Since the fall of the Eastern bloc the term "third world" is somewhat dated. Now we talk of "the South", and even this term covers a wide range of realities. As far as respecting international humanitarian rights is concerned, there is no relationship between underdevelopment and violation of human rights.

**Do you see any opportunities in our multipolar world for the establishment of further sanctioning mechanisms such as the promotion of the right to intervene?**

Modern-day states can no longer afford to hide behind their sacrosanct sovereignty in order to commit crimes against their citizens. Public opinion no longer accepts such acts. The fact that the international community mobilises and begins to negotiate when, for instance, there is evidence of massive violation of human rights, seems to me an entirely legitimate act. On the other hand I would firmly oppose the concept of humanitarian intervention, because I believe that to be effective and in keeping with its philosophy, humanitarian action should be neutral, non-partisan and independent, and must provide unbiased support to all victims.

**Interview: Lukas M. Schneider**