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FOREWORD

From the outset, the Red Cross has been characterized by two complementary and indissociable types of endeavour: specific action to help victims, particularly in the field; and the study of principles and law. In 1859, in the evening after the battle, Dunant did what was most urgently needed; afterwards he took the time required for reflection. His book, *'A Memory of Solferino'*, led to the creation of the International Committee for Relief to Wounded Soldiers, later the International Committee of the Red Cross (ICRC), which promoted the Geneva Conventions for the protection of victims of armed conflicts. Red Cross work could then draw support from treaties binding on States. In different circumstances, the Red Cross might well have been nothing more than another charitable organization, useful, no doubt, but without any distinctive range of activities and without the worldwide reach it has achieved. The International Red Cross and Red Crescent Movement—the official title of the International Red Cross under the revised Statutes—possesses the privilege, a dangerous one at times, of being able (indeed obliged) to associate the representatives of States in its concerns. The Movement's new Statutes, moreover, include a clause describing this complex link between States and the components of the Movement, namely, the National Red Cross or Red Crescent Societies, the ICRC and the League.

Never does the true nature of these relations appear more clearly than during the International Red Cross Conferences, which normally take place every four years. The Twenty-fifth Conference was held in October 1986 in Geneva, where it had not met since 1925.

The ICRC Annual Report has a duty to reflect the dual vocation of the institution: action and reflection. Obviously, the activities undertaken directly to protect and assist victims are the reason for the existence of the ICRC and, logically, the report gives pride of place to work in the field.

However, I would like, in the few lines that follow, to deal with the statutory event of 1986, the Twenty-fifth International Conference. The public, in some parts of the world at least, has unfortunately remembered only one item: the suspension of the government delegation of the Republic of South Africa, a fact that received extensive media coverage. In a number of countries the public, especially those people sympathetic and loyal to the Movement, came to the hasty conclusion that the Red Cross was becoming politicized. The difficult debate that preceded the suspension, as much as the decision itself, shook the Movement. By calling in question the hitherto undisputed right of every State party to the Geneva Conventions to be represented in the Conference by its government, at least as long as a single government claimed to represent the State in question, the Conference indubitably struck a blow at the universality of the community of States linked by humanitarian law. For the majority, however, a State based on apartheid could not be allowed a place with the supreme body of that community. Yet was not this to lose sight of the fact that humanitarian law is intended to apply to all those involved in conflicts, whether existing or potential? Many have seen this suspension as a

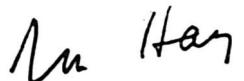
dangerous precedent—I myself stressed to the Conference that this must not be the case—and one likely to weaken the application of humanitarian law and even to draw the Movement permanently into the political sphere.

However, it must not be forgotten that the International Conference is an event where the States party to the Geneva Conventions meet the Movement. If all members attend, States even have a majority, since some of the countries associated with the Red Cross through the Conventions do not have a recognized National Society, while the contrary position is obviously impossible, and the ICRC and the League each possess only one vote. Hence the International Conference, owing to its composition, cannot totally shield itself against the intrusion of politics, at least in these delicate questions concerning participation—as shown by a number of episodes in the past.

Some time has now elapsed since this troubled start to the Twenty-fifth Conference which, undeterred, continued its proceedings; and, from a more distant standpoint its beneficial results begin to be better appreciated. There was the extremely fruitful debate on respect for international humanitarian law, culminating in a resolution adopted by consensus, like the thirty-six other resolutions of the Conference—a remarkable achievement; there was the excellent discussion on the Protocols additional to the Geneva Conventions, and the announcement of further ratifications; finally, there was the adoption by consensus of the new fundamental charter of the Movement.

Certainly everything was not as satisfactory as I would have wished; but after all the same is true of the world in which the Movement is called to perform its mission. An arduous assignment, indeed, but a source of so much hope! That is why I still have faith in the future.

Alexandre HAY
President of the ICRC





Angola: evacuating a wounded person to Huambo

In law, ICRC action is based upon the Geneva Conventions and their Additional Protocols, the Statutes of the International Red Cross and Red Crescent Movement, and the resolutions adopted by International Conferences of the Red Cross.

Since it was founded, the ICRC has set itself the task of improving, in law and in fact, the condition of the victims of war. It was at its prompting that the Geneva Conventions, last revised in 1949, were adopted; they have been ratified by practically all States throughout the world (see table on pp. 93-96). There are four Geneva Conventions:

- *First Convention:* for the amelioration of the condition of the wounded and sick in armed forces in the field;
- *Second Convention:* for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea;
- *Third Convention:* relative to the treatment of prisoners of war;
- *Fourth Convention:* relative to the protection of civilian persons in time of war.

In view of the changing nature of warfare and of the techniques used, the ICRC, with the support of the International Red Cross and Red Crescent Movement as a whole, has made constant efforts to adapt the Conventions to changing circumstances, to obtain a more effective application of the law in force and thereby to ensure greater protection for the victims of international and internal armed conflict. Thus it became involved in the development of international humanitarian law and drafted two *Protocols additional to the Geneva Conventions*, the first relating to the protection of victims of international armed conflicts, and the second relating to the protection of victims of non-international armed conflicts. The Protocols were signed on 8 June 1977, after examination by the States at a diplomatic conference convened by the Swiss Government, at four sessions held between 1974 and 1977.

The legal basis of any action undertaken by the ICRC may therefore be summarized as follows:

- in the case of an *international armed conflict*, the ICRC may intervene by virtue of the Four Geneva Conventions of 1949, in particular under Article 126 of the Third Convention and Article 143 of the Fourth Convention; in addition, its right of initiative is recognized in Article 9 of the First, Second, and Third Conventions, and in Article 10 of the Fourth Convention;
- in situations of *armed conflict not of an international character*, the ICRC has the right of initiative under Article 3 common to the Four Geneva Conventions;
- in all other situations, including situations of *internal disturbances and tension*, the ICRC may offer its services in accordance with its traditional right of humanitarian initiative, confirmed in Article 5 of the Statutes of the International Red Cross and Red Crescent Movement.