

Legal bases

Objektyp: **Group**

Zeitschrift: **Annual report / International Committee of the Red Cross**

Band (Jahr): - **(1989)**

PDF erstellt am: **25.09.2024**

Nutzungsbedingungen

Die ETH-Bibliothek ist Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Inhalten der Zeitschriften. Die Rechte liegen in der Regel bei den Herausgebern.

Die auf der Plattform e-periodica veröffentlichten Dokumente stehen für nicht-kommerzielle Zwecke in Lehre und Forschung sowie für die private Nutzung frei zur Verfügung. Einzelne Dateien oder Ausdrucke aus diesem Angebot können zusammen mit diesen Nutzungsbedingungen und den korrekten Herkunftsbezeichnungen weitergegeben werden.

Das Veröffentlichen von Bildern in Print- und Online-Publikationen ist nur mit vorheriger Genehmigung der Rechteinhaber erlaubt. Die systematische Speicherung von Teilen des elektronischen Angebots auf anderen Servern bedarf ebenfalls des schriftlichen Einverständnisses der Rechteinhaber.

Haftungsausschluss

Alle Angaben erfolgen ohne Gewähr für Vollständigkeit oder Richtigkeit. Es wird keine Haftung übernommen für Schäden durch die Verwendung von Informationen aus diesem Online-Angebot oder durch das Fehlen von Informationen. Dies gilt auch für Inhalte Dritter, die über dieses Angebot zugänglich sind.

As a private, independent institution, the ICRC has been entrusted by the international community with well-defined functions; in particular, the Geneva Conventions have expressly conferred upon it the right to visit prisoners of war and civilian internees during international armed conflicts and to propose its services for other humanitarian tasks in both international and non-international armed conflicts. The ICRC's right to put forward such proposals—or, as it is often called, its right of initiative—is also laid down in the Statutes of the International Red Cross and Red Crescent Movement and is the basis for

it to intervene in times of internal disturbances or tension.

The ICRC is aware that in order to obtain increased moral as well as diplomatic and financial support it must become more widely known. Consequently, as this *Annual Report* demonstrates, emphasis has been placed on the development of its relations not only within the International Red Cross and Red Crescent Movement but beyond it, with governments, other governmental and non-governmental organizations and the media.

Legal bases

In law, the work of the ICRC 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 and Red Crescent.

It was at the prompting of the ICRC that governments adopted the first Geneva Convention in 1864. In the years since, the ICRC, with the support of the entire Movement, has put constant pressure on governments to adapt international humanitarian law to changing circumstances, especially developments in the means and techniques of warfare, in order to provide more effective protection and assistance for the victims of armed conflict.

Today almost all States are bound by the four Geneva Conventions of 12 August 1949, which, in times of conflict, protect wounded and sick members of the armed forces on land and at sea, prisoners of war and civilians.

Two Protocols additional to these Conventions were adopted on 8 June 1977, designed mainly to reaffirm and develop the humanitarian rules governing the conduct of hostilities (Protocol I) and to extend the

body of humanitarian law applicable in non-international armed conflicts (Protocol II). Almost half the world's States are now bound by the Protocols.

The legal basis of any action undertaken by the ICRC may be summed up as follows:

- In the four Geneva Conventions of 1949, the international community gave the ICRC a mandate to act in the event of *international armed conflict*. In particular, the ICRC has the right to visit prisoners of war and civilian internees. The Conventions also confer on the ICRC a broad right of initiative.
- In situations of *armed conflict which are not international in character*, the ICRC also has a right of initiative recognized by States and enshrined in the four Geneva Conventions.
- In the event of *internal disturbances and tension*, and in any other situation which warrants humanitarian action, the ICRC has a right of humanitarian initiative which is recognized in the Statutes of the International Red Cross and Red Crescent Movement and allows it to offer its services to States without that offer constituting interference in States' internal affairs.