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INTERNATIONAL COMMITTEE OF THE RED CROSS

RECENT ACTIVITIES.

Nuns of the Congregation of the Holy Cross. — The transferring from Czechoslovakia to Switzerland of a number of nuns of the Congregation of the Holy Cross, which started on April 13, came to an end on June 13 last. This group of nuns (German speaking and of German origin), who wished to return to their parent establishment in Ingenbohl, Switzerland, was transferred by air in the most favourable conditions, at the rate of 40 persons per week.

This action, due to the initiative of the International Committee of the Red Cross, was brought to a successful conclusion thanks to the comprehensive attitude of the Czechoslovak authorities, and the active co-operation of the Czechoslovak Red Cross Society which undertook arrangements for the flights. The International Committee, for its part, made the necessary approaches to the Federal authorities for the nuns' arrival in Switzerland, and its representatives, accompanied by members of the Swiss Red Cross Society, met them at Zurich-Kloten Airport.

Disabled. — During the first six months of the present year, the relief work of the Disablement Section was particularly concerned with the following matters :

The action which was started in the spring of 1953 on behalf of disabled "Volksdeutsche" refugees living in camps in the German Republic, was continued in Lower Saxony by the sending of artificial limbs and orthopaedic boots. A similar action in Austria has enabled "Volksdeutsche" refugees to be provided with artificial limbs.

The Disablement Section also supplied artificial limbs and orthopaedic apparatus to persons under detention in Greece, and artificial limbs to prisoners in Indochina. In addition, 21 parcels of fibre for the manufacture of artificial limbs and

a consignment of dental supplies were sent to the Albanian Red Cross Society. Further, it made a donation of DM. 2,000, through the German Red Cross Society, to the Association of Brain-Wound Sufferers of the German Federal Republic, for the purchase of an encephalograph apparatus. This Society was also supplied with 100 Braille watches for German war-blind.

Indochina. — M. Durand, Delegate of the ICRC in Indochina, recently proceeded to Luang-Prabang (Laos), to be present on the arrival of some 850 seriously wounded from Dien-Bien-Phu, whose repatriation had been arranged, after the fall of the entrenched camp, by direct negotiations between belligerents.

The French authorities having decided, in their turn, to liberate a quota of seriously wounded of the Democratic Viet Nam forces in their hands, M. Durand accompanied the convoy, on June 16 and 17 last, to the place of exchange, situated on the edge of the Red River Delta, to the North East of Hanoi.

In Geneva, the Central Prisoners of War Agency continued to transmit letters, at the request of families of prisoners of war belonging to the French forces held by the Democratic Viet Nam, to the zone under the control of the Ho-Chi-Minh Government.

In addition to letters received from France the Agency has recently been forwarding those sent by the families of German nationals serving in the Foreign Legion who were taken prisoner during the fighting at Dien-Bien-Phu.

Moreover, in order to be equipped more adequately for its work in Indochina, the ICRC decided to reinforce its representation in Viet Nam by sending a second Delegate. M. de Reynier, who had already been entrusted with a mission in that country, was chosen for the purpose and left Geneva on July 3 to take up his new post.

Guatemala. — During the recent conflict in Guatemala, the International Committee was requested to give its traditional services by both the parties concerned. Wishing to fulfil its strictly humanitarian mission on behalf of all victims of the events, the ICRC, on June 21, offered the Guatemalan Red Cross Society its good offices suggesting, in particular, that it should send a delegate from Geneva. The offer was accepted on June 27

and M. P. Jéquier, Deputy-Director of the Central Prisoners of War Agency, was appointed to represent the ICRC in Guatemala.

On June 26 the adverse party made a similar approach to the International Committee, but the truce which occurred soon afterwards made the appointment of a second delegate purposeless.

In the meantime the ICRC had broadcast an appeal to the combatants, which was repeated on several occasions on June 24 and 25. In its appeal the ICRC again renewed the offer of its services and drew attention to Red Cross principles, in particular those which concern the protection of civilian populations and assistance to the wounded.

M. Jéquier left Geneva on July 2 for Mexico, where the Mexican Red Cross, and especially its President, M. A. Quijano, gave him a most cordial reception and valuable facilities for carrying out his mission. All the appeals for assistance received by the ICRC having referred to the shortage of medicaments, M. Jéquier immediately collected a few emergency relief supplies locally, with the help of the funds placed at his disposal by the Committee. On his arrival on the terrain (July 11), the International Committee's Delegate received a cordial welcome from M. Roberto Saravia, President of the Guatemalan Red Cross Society, and the other Members of the Society's Executive Committee.

In conjunction with the above Society and the Guatemalan government authorities, M. Jéquier's duties will mainly consist in ensuring the application of Article 3 of the Geneva Conventions of 1949 which, as is generally known, have been ratified by the Government of Guatemala. The Article in question stipulates the minimum safeguards to which the victims of non-international conflicts are entitled. M. Jéquier will also try to ascertain the actual need which still exists for relief supplies, and the extent to which further consignments may be necessary.

JEAN S. PICTET

Director for General Affairs of the ICRC.

*THE INTERNATIONAL COMMITTEE
OF THE RED CROSS
IN THE NEW GENEVA CONVENTIONS*

I. INTRODUCTION

During the greater part of its existence, the International Committee of the Red Cross (ICRC) had no legal basis in positive international law. There is no reference to it either in the Geneva Conventions of 1864 and 1906 or in the Hague Conventions. Indeed, it only appeared for the first time in codified international law owing to the fact that in the 1927 Convention setting up the International Relief Union, to organize relief—especially in cases of natural calamities—, express provision was made for the support which the ICRC would give to the Union.

It was, however, the 1929 Convention relating to the treatment of prisoners of war which gave the ICRC its first firm bases in law. These are three in number. Firstly, Article 79 recognizes the ICRC's right to propose to the Powers the setting up, on neutral soil, of a Central Information Agency for prisoners of war. Then, Article 87, though this is of secondary importance, provides that a representative of the ICRC may be called upon to take a part in the meetings which may be convened in order to put an end to any disagreements between belligerents in regard to the application of the Convention. The essential reference is, however, that contained in Article 88 which states that the provisions of the Convention "do not constitute any obstacle to the humanitarian work which the ICRC may perform

for the protection of prisoners of war with the consent of the belligerents concerned". A similar reference is to be found in Article 79. The clause in question recognizes what the ICRC commonly calls its right of initiative, though this actual expression does not figure in the text. The ICRC has always attached the greatest importance to the mention of this right which covers everything that it considers possible or advisable to undertake on behalf of prisoners, with the consent of the belligerents, over and above the specific tasks which the Convention entrusts to it and which consist essentially in the setting up of the Agency. The scope of this right of initiative is determined by the statutes of the ICRC and by its traditions.

It was upon this legal basis, which is in the final analysis a very weak one, that the ICRC was able to base the majority of the widespread activities upon which it was engaged during the Second World War. The ICRC has, however, derived force out of this apparent legal weakness. Not being bound by specific terms of reference it was unhampered in its initiatives. It was thus able to intervene with great freedom in cases not expressly foreseen or regulated by the Conventions, going, in its humanitarian proposals, far beyond what the texts prescribed. More than that, its action, being independent of the Conventions, was not contingent upon their entry into force between States. The ICRC was therefore able to bring assistance in situations beyond the scope of the existing legal system—in cases, for instance, where a belligerent was not a party to one or other of the Conventions, or considered them inapplicable, or when the parties to a conflict denied each other sovereign status.

When the ICRC undertook, as from 1945, the preparation of the revised texts of the Geneva Conventions, it endeavoured to reconcile two divergent tendencies: it tried firstly to obtain a firmer legal basis for its work, confirming the development of its activities during the last world war and allowing it to have its principal humanitarian missions recognized very rapidly in the future; and secondly, to maintain all the necessary flexibility in regard to its rôle and the future mandates it might receive, and also to retain its independence and defend its right of initiative. In the course of the drafting of the Conven-

tions, the ICRC actually had to restrain the generosity of the Governments' delegates, in order not to be cited too often or to see itself entrusted with too many specific mandates. Having been closely associated with the work of the Diplomatic Conference and having itself drafted the preliminary texts, the ICRC was able, in some measure, to influence the decisions in the sense which it desired, so that in the majority of cases the present texts appear to it to have attained the ends it set out to achieve.

The ICRC today possesses numerous points of support in the texts of the four new Conventions. No less than sixty Articles—nearly half of which are to be found in the Convention for the protection of civilians—mention the ICRC or the Central Information Agency. These references are not, of course, all of the same importance; a number of them merely cite these two bodies as an example, or refer back to previous Articles. Generally speaking, it is the activities engaged in by the ICRC from 1939 to 1947 which have now been codified. Supervision of the application of the Conventions continues to be the specific responsibility of the Protecting Powers. The fact that the delegates of the ICRC have now been vested with the same prerogatives as the representatives of the Protecting Powers does not, in any wise, modify the meaning of the Articles of a general nature which lay down the respective competencies of the Protecting Powers and of the ICRC; but the latter will in future be in a position to undertake any investigations which its traditional interventions render necessary.

The Geneva Conventions being now applicable, in principle, in neutral countries on whose territory belligerent nationals have been received, the ICRC's action will in future also extend to these regions.

Thus the position of the ICRC is now firmly established in international law, and its rôle on behalf of war victims fully recognized by the community of nations.

Though the ICRC may now find many points of support in the Geneva Conventions, it is not governed by those Conventions any more than in the past. It cannot, indeed, modify its fundamental characteristics or its exclusively Swiss composition,

since the Conventions have counted upon its remaining essentially what it is today. But its internal organization and choice of methods of action are not affected, and it has not, itself, any obligations. How could it have any, for that matter, since it is not a party to the Conventions and does not depend in any way whatsoever upon the signatory Powers? At the most it is, perhaps, under a certain moral obligation, that of carrying out its recognized tasks as conscientiously and as efficiently as possible.

2. THE RIGHT OF INITIATIVE

The ICRC's right of initiative, the essential basis of its work, has been maintained and extended to all four Conventions. Whereas in 1929 this principle was laid down only in the Convention on prisoners of war, it is now the object of an Article common to the four Conventions (Article 9/9/9/10).

The formula adopted in 1949 does not differ appreciably from the old text. We should, however, note that the right of initiative, defined in 1929 as covering the activities undertaken by the ICRC "for the protection" of prisoners of war, is today completed by the words "and for their relief". Moreover the new text does not apply exclusively to the ICRC but also to "any other impartial humanitarian organization". This indication would allow another institution working in the same spirit as the ICRC to replace it should it be unable to act, or to support or reinforce its action, and the text may be said to give legal sanction to the rôle played during the last conflict by organizations which did not belong to the Red Cross movement as such, but whose beneficent action it is impossible to forget.

The introduction of the conception of the right of initiative of the ICRC in the four new Conventions is of definite theoretical importance, especially with regard to civilians. It should, however, be borne in mind that as the rules and regulations governing the position of war victims are developed and as the ICRC acquires increasingly firm and precise legal bases for its activity, so its right of initiative will become less important,

or will at least be used to a lesser extent. "Extra-conventional" representations will certainly become rarer. Hence, the ICRC will in future have to direct its efforts more towards obtaining full and complete application of the Conventions. The circumstances under which a new war may be fought, however, include so much that is unforeseeable, that it is wise to be prudent in one's predictions. We should never forget the words of President Max Huber: "The activity of the ICRC is founded, above all, upon the natural law of the individual: it is only in the second instance that it bases itself on positive law." The ideals of the Red Cross therefore impose "supra-conventional" duties upon the ICRC.

3. CIVIL WAR

An important conquest in the humanitarian field was the extension of the ICRC's right of initiative to cover conflicts which are not of an international character, that is to say civil war and other troubles within the confines of a State.

Article 3, which is common to all four Conventions, and one of the most striking innovations of 1949, lays down that in the case of civil war each of the Parties to the conflict shall be bound to apply the essential principles of the Conventions, as enumerated in the Article; moreover, the two parties to the conflict must further endeavour to bring into force, by means of special agreements, the other provisions of the Conventions. Article 3, which might be described as a Convention in miniature, mentions that "an impartial humanitarian body, such as the ICRC, may offer its services to the Parties to the conflict". This reference is of far greater importance than might at first be thought. Let us not forget that it was on a similar basis—the mention of the right of initiative in the 1929 Convention—that the ICRC has been able to base the greater part of its action during international conflicts. This reference will, therefore, give the ICRC a valuable basis for future activities, which is particularly necessary in the case of civil wars, when the difficulties attending impartial humanitarian interventions are accentuated. For experience has shown that in a civil

war each party to the conflict is only too inclined to consider assistance to the adversary, even of a purely humanitarian nature, as tantamount to aiding and abetting criminals. Furthermore, the lawful Government is also inclined to consider any intervention by the Red Cross as unwarrantable interference in the internal affairs of the State. It may be recalled, in this connection, that the IXth International Red Cross Conference which met in 1912, refused to discuss the problem of assistance in cases of civil war, one of the delegates having expressed the opinion that the Red Cross could not be held to have any obligations in regard to insurgents, who could only be considered as criminals. The obligations of the Red Cross in this field were not recognized until the 1921 Conference, and were only codified in 1938.

During the Spanish civil war, the ICRC undertook activities comparable to those which it exercises in the case of a major international conflict, involving the application of the principles of the Geneva Conventions, camp visits, relief work and the exchange of civilian message forms. It was, incidentally, during this conflict that the ICRC first introduced civilian message forms for the exchanging of news between members of the same family on different sides of the battle-front. It was, however, difficult to push this initiative through, and a long time passed before the Committee's activities in general were finally admitted by both parties. The 1949 reference is likely to facilitate such activities very considerably in the future.

4. THE CENTRAL INFORMATION AGENCIES

As was the case in the 1929 Convention, the ICRC has the option of proposing the organization of a Central Information Agency for prisoners of war to the Powers concerned. The existing regulations were rendered more precise in 1949, but were not fundamentally modified. The Agency's mandate has, however, been expressly extended to cover belligerents interned by neutrals, and also the dead picked up on the field of battle (information, death certificates and personal valuables), mem-

bers of the medical personnel, the capture cards of prisoners of war, medical certificates, receipts for money confiscated, and other official documents.

The new Convention also gives the ICRC the means whereby the Central Agency may carry out both its former and its new mandates as efficiently as possible. Thus provision is made for exemption from telegraphic charges, and free postage facilities are expressly stipulated. In general, Article 123 of the IIIrd Convention lays down that the Agency is to receive "all facilities" for the transmission of information. It will, therefore, be able to request priority for its communications and will have the right to make free use of broadcasting facilities. Finally, the same Article requests the Powers to furnish the Agency with the necessary financial support.

Let us stress here that the Agency will also remain, over and beyond the requirements of the Convention, what it has always been since its origin, that is to say an institution at the free disposal of anxious families. It will thus continue to collect all the private data which it can obtain, as distinct from official information.

There is one fundamentally new departure in the Geneva Conventions, namely the provisions, parallel to those just mentioned, which concern the setting up of a Central Information Agency for civilians. According to the terms of the IVth Convention, this Agency may be the same as the one which caters for prisoners of war. Moreover, the provisions in question merely give formal sanction to initiatives already taken in this connection during the last world war. A point of difference between these two Agencies should, however, be stressed here. Whereas the Prisoners of War Agency is bound to transmit all the information it receives to the adverse Party, the same thing is not true for the civilian Agency, an express exception being made of cases where the transmission of such information might be detrimental to the persons concerned, or to their families.

It is the Central Information Agency for civilians which will be called upon to organize, with the assistance of National Red Cross Societies, the exchanging of family news, by the trans-

mission of "civilian messages" on special forms, should normal correspondence be difficult. This is once again no more than the giving of official sanction to previous initiatives taken by the ICRC in actual practice; 20 million such message forms were exchanged from 1939 to 1945.

5. THE ROLE OF DELEGATES

It is known that during the two world wars, and especially during the second one, delegates of the ICRC systematically visited prisoner of war camps in the same way as the representatives of the Protecting Powers. From 1939 to 1945, the International Committee's 180 delegates in the field made 11,000 visits to camps. This highly important rôle was not, however, the result of any obligation incumbent upon States. It has now been expressly codified. In future, the ICRC's delegates will be authorized to enter all places where prisoners of war are held, and speak to them, and especially with their prisoners' representatives, without the presence of witnesses. No limit may be placed on the frequency and the duration of such visits and the delegates will be completely free to choose the places to which they wish to go.

It will also be remembered that in the last war access to those tragic camps, where so many civilian detainees and deportees met an atrocious death, was refused both to the ICRC and to the Protecting Powers. Today, in virtue of the IVth Convention, all places where civilians may be interned, for whatever motives, will be open to inspection.

But even greater concessions have been accorded. Article 143 of the Convention lays down that the representatives of the Protecting Powers, together with those of the ICRC, who enjoy the same prerogatives, "shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work". This means that they may also visit the free civilian population in occupied territories. We do not, however, think that the ICRC will undertake the inspection, on a systematic and permanent basis, of the entire civilian population of occupied territories. That would be a

task beyond the scope of a private organization. It will doubtless be carried out in the first instance by the representatives of the Protecting Powers which remain, in the 1949 Geneva Conventions, the proper instruments for the supervision of the application of the Conventions. What is important, however, is that the ICRC will be free to carry out such visits and inspections, should circumstances warrant it. On the other hand, the ICRC will certainly wish to visit at regular intervals all places where civilians are interned.

We should mention that although it is laid down in the first two Conventions, relating to the wounded, the sick and the shipwrecked, that they will be applied with the cooperation and under the scrutiny of the Protecting Powers, it is not said that the representatives of the ICRC will carry out visits or enjoy the same rights and prerogatives as the representatives of the Protecting Powers. Apart from the specific tasks laid down in the Convention, the only reservation is in regard to the ICRC's right of initiative, i.e. the activities which it may undertake "for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains". The ICRC will not, therefore, be called upon to extend its traditional rôle to any great extent in connection with these two Conventions. There is no question of its automatically visiting hospitals in which there are no prisoners of war, hospital ships, air ambulances, etc. The most important tasks which the ICRC will be called upon to undertake with regard to these two Conventions will therefore be identical to those which it will carry out on behalf of prisoners of war, i.e. supervision of the way in which wounded and sick prisoners, as well as the retained medical and religious personnel, are treated. This supervision will be effected, in the majority of cases, in the course of visits to prison camps, since retained medical personnel enjoy all the advantages accorded to prisoners of war. It may happen, however, that on certain occasions the ICRC will have to undertake special visits to medical personnel not accommodated in the camps.

All matters relating to the transmission of information concerning the wounded, the dead and medical personnel will

be handled by the Central Information Agency in the same way as for prisoners of war. It should be noted, however, that the transmission of personal valuables found on the dead at the front may, as experience has shown, reach considerable proportions. But since the Agency is mentioned in this connection concurrently with the Protecting Powers and since in this particular field duplication is not possible, as it is in the case of information, the ICRC may share this task with the Protecting Powers.

What will the international status of the delegates of the ICRC be in the future? They cannot, of course, be assimilated to "protected personnel"—that is to say to members of the medical and religious personnel, on whom the first Convention confers special immunities, though only when they are employed on duties of an exclusively medical nature.

Though the delegates of the ICRC may often carry diplomatic passports, one cannot infer from that that they do, in fact, enjoy full diplomatic status; experience has shown, however, that belligerent States usually accord them facilities which are equivalent in practice to diplomatic privileges and immunities. It may here be added that international usage has accorded to the ICRC, in the exercise of its humanitarian activity, the prerogatives of an institution existing in international law. This character can but be reinforced by the new Conventions according to which—and this fact merely confirms former practice—the nomination of ICRC delegates is subject to the approval of the Power upon whose territory their activity will be exercised.

6. THE ICRC AS A SUBSTITUTE FOR THE PROTECTING POWERS

One of the most noteworthy innovations introduced into the 1929 Convention on the treatment of prisoners of war was the institution of an efficient system for regularly supervising its application. This supervision was entrusted to the Protecting Powers and it would be difficult to imagine a better choice. The Protecting Powers greatly contributed towards

ameliorating the conditions of captivity of prisoners of war in the course of the last conflict. But it must here be stressed—and this is a most alarming fact—that approximately seventy per cent of all prisoners of war were without the assistance of any Protecting Power. In many cases the Convention was, in fact, not applicable, or else one of the belligerents did not recognize its adversary as being a sovereign Power, or denied that a state of war existed between them. The ICRC endeavoured to mitigate the consequences of this lack of protection and, in so far as it was able, exercised activities replacing, to some extent, the missing Protecting Power. It succeeded in this task to a greater or lesser degree according to the nature and variety of the facilities granted it by the Detaining Powers.

The supervision exercised by the Protecting Powers was extended in 1949 to cover the application of all four Geneva Conventions. There remained, however, the problem of replacing the Protecting Powers should they be unable to carry out their mission. Remembering what the Committee had on its own initiative undertaken and accomplished in this sense, some people thought for a moment of making the ICRC the automatic substitute in such circumstances. The ICRC, however, the first to be conscious of the fundamental differences between the tasks it is called upon to accomplish and those of the Protecting Powers, and not moreover being equipped for such action, declared to the Diplomatic Conference that it could not function as a real substitute. What the Committee can do is to assume, on its own strictly humanitarian and impartial plane, a proportion of the tasks devolving, in virtue of the Conventions, upon the Protecting Powers.

As we know the Conference provided that the Contracting Parties should have the option of agreeing at any time to entrust to an "organization which offers all guarantees of impartiality and efficacy" the duties incumbent on the Protecting Powers by virtue of the Conventions. This organization may either be an entirely new institution or one already in existence. If one is aware of the difficulties which the creation of such an organization entails, it may well be thought that recourse will be had to an existing institution. If, furthermore,

one is conscious of the obstacles with which an internationally composed body is faced in time of war, it is not impossible to believe that the Powers might address themselves on such an occasion to the ICRC.

According to the terms of Article 10, in cases where "protected persons" are not benefiting by the services of a Protecting Power, no matter for what reason, the Detaining Power must request a neutral State or an impartial organization as indicated above—brought into being or designated by agreement between the parties—to undertake the functions performed by a Protecting Power. If even such protection cannot be arranged, the Detaining Power must request a humanitarian organization such as the ICRC to assume the humanitarian functions performed by Protecting Powers, or at any rate agree to it doing so.

It is thus likely that, although recourse to the ICRC is naturally not obligatory, its services will be called upon in the absence of a Protecting Power. Moreover, even if no call is made on it, the ICRC will nevertheless intensify its activity on its own initiative, for obvious humanitarian reasons, when war victims are without any other form of protection.

But what are the functions normally performed by Protecting Powers, which the ICRC will agree to fulfil when acting as a substitute? Let us underline that practically all of the many tasks entrusted to Protecting Powers are of a humanitarian nature. Many of them are identical to those of the ICRC or very like them: viz. the transmission of information, camp visits, and supervision of the distribution of relief. The ICRC could easily undertake them without unduly extending its organization.

There are, however, other tasks of a very different nature, such as legal assistance to prisoners under trial—an onerous task for which the ICRC is not specially equipped, though during the last conflict it was a rôle which it endeavoured to fulfil. It is probable that on any future occasion it would also endeavour to face this necessity.

Another sphere of action is much more problematic in view of its magnitude—namely the supervision of the application of the IVth Convention in favour of civilian populations in

occupied countries. This Convention makes express provision for the intervention of the Protecting Power in the following domains: transfers and evacuations of the population, the protection of workers, the verification of food and medical supplies in occupied territories, the distribution of relief, and legal assistance. This intervention may even be extended to other fields by reason of the general duty of supervision which falls on the Protecting Power. One can therefore well imagine that should vast territories be occupied, the tasks to be accomplished might easily exceed the International Committee's possibilities of action.

It should further be mentioned here that if, as can be foreseen, the ICRC only replaces one of the Protecting Powers and is thus called upon to act concurrently with other Protecting Powers, certain inconveniences might result from the inherent differences between the nature of the work undertaken by the ICRC and the activities of a Protecting Power. It should be remembered that the ICRC is no one's agent, but acts on its own initiative, and that its action is the more supple and the more practical, being based less on the strict letter of the law than on the principle of the respect due to the human being. Its normal rôle is to work, on principle, on behalf of victims of all nationalities; this gives the ICRC an overall view of the situation and enables it to count on reciprocity. But it is, of course, true that the fact of recourse being had to a substitute for the Protecting Power implies that this is a purely palliative measure, a makeshift solution.

7. RELIEF

It is a well known fact that in the course of the last world war the ICRC carried out important relief programmes. For prisoners of war alone it served as an intermediary for the transportation and distribution of relief parcels to a value of more than three thousand million Swiss francs, and for this purpose chartered a fleet of fifteen vessels. To provide relief for the civilian population it collaborated with the League of

National Red Cross Societies within the framework of the Joint Relief Commission of the International Red Cross, through whose agency medical supplies, food and clothing to a value of five hundred million Swiss francs were distributed. In order to feed Greece, the ICRC worked in collaboration with the Swedish Government.

The codification which has taken place in the 1949 Conventions is no more, in short, than recognition of the rôle previously played by the ICRC. In the domain of relief to prisoners of war and to civilian internees, the situation will probably be very little if at all different in a future conflict from what it was in the past. In the case of occupied territories, however, the new Articles contain an implicit invitation to the Powers to call upon the services of the ICRC. Its activities in occupied territories, though on a very considerable scale, have not in the past been systematic. A considerable extension of its action in this field may therefore be anticipated.

We have already mentioned above that the 1929 definition of the ICRC's right of initiative, as applying to the protection of prisoners of war, was completed in 1949 by a reference to the relief to be brought to them. Furthermore, it is laid down in Article 125 of the IIIrd Convention, concerning the rôle of relief Societies, that the special position of the ICRC in the field of relief must be recognized and respected at all times. This provides the ICRC with an important legal basis, and also means that the ICRC will not be subject to restrictions which apply to other relief Societies, or at any rate that it should be the last of them to which such restrictions should be applied.

Article 75 of the IIIrd Convention concerns "special means of transport". If, owing to military operations, the Powers are no longer able to fulfil their obligations in regard to the transportation of relief supplies, they are obliged to agree to the ICRC or any other approved organization undertaking to ensure the conveyance of the shipments in their place. The methods to be used in effecting such shipments have been purposely left vague, in order that they may be freely adapted to practical requirements.

8. THE RED CROSS EMBLEM

The new rules governing the use of the red cross emblem are a great step forward from those laid down in 1929. The fundamental distinction between the "protective sign"—which appears on the buildings, persons and objects whose respect the First Convention enjoins—and the "purely indicative sign"—whose only purpose is to indicate that a person or object has some connection with the Red Cross as an institution, without any intention of placing them under the protection of the Convention—has at last been clearly defined. The fundamental distinction having been established, it was then possible to reconcile two necessities: first, to surround the protective sign with the strictest safeguards and, secondly, to allow National Red Cross Societies to indicate their connection with the movement by making extensive use of an emblem which has become popular and to which they are clearly entitled.

It is perhaps not known that the ICRC did not, up to this time, have a recognized right to use the red cross sign, though nobody ever contested this right in practice and though the ICRC was the initiator and promoter of the sign and the first to use it. The 1929 Conventions were still silent upon this subject.

The 1949 Conference made good this curious oversight, and the international Red Cross organizations are now officially authorized to use the red cross sign without any restriction. This means that when circumstances and the nature of their activities demand it, the sign may have a protective character. The ICRC needs this imperatively under certain circumstances, especially for the transportation of relief supplies on the high seas. We may, however, rest assured that it will only use it when fully justified in so doing, and then only with due circumspection. In other cases, the use of the sign will be purely indicative.

9. OTHER REFERENCES

There are of course many other references to the ICRC in the new Conventions. We shall only mention here the more important ones without going into any details.

Provision is, for instance, made, as in 1929, for the intervention of the ICRC in cases of disagreement between Powers regarding the application of the Conventions (Article 11).

It may, moreover, be called upon to lend its good offices in connection with the setting up of hospital and safety zones (Ist Convention, Art. 23; IVth Convention, Art. 14).

Persons protected under the Civilians Convention (Art. 30) will always be entitled to make application to the ICRC. This may give rise to many and important tasks. Prisoners' representatives and members of Internee Committees also have the right to address themselves directly to the ICRC (IIIrd Convention, Art. 79; IVth Convention, Art. 102).

Provision is likewise made for the participation of the ICRC in the setting up and constitution of the Mixed Medical Commissions responsible for visiting wounded and sick prisoners and making decisions in regard to their possible repatriation (Annex II to the IIIrd Convention).

Finally, we should like to mention that in a final resolution the Diplomatic Conference of 1949 recognized the necessity of providing the ICRC with regular financial support—over and beyond that already mentioned in connection with the Central Information Agency—in order that it might be ready at all times to accomplish the humanitarian tasks entrusted to it by the new Geneva Conventions. When one knows the magnitude and diversity of these tasks, of which the present survey has only given a summary picture, it is easy to see how vitally important it is that the ICRC be given the material means to cope with them, so that it may be able to alleviate, to an even greater extent than in the past, the sufferings which war, more and more implacably, brings down upon so many innocent victims.
