Assistance to the victims of armed conflicts

From 22 to 24 June 1988, an international conference was held in The Hague, Netherlands, on "Humanitarian Assistance in Armed Conflict". It was organized by the University of Leiden's Red Cross Chair of International Humanitarian Law, together with the National Red Cross Societies of Belgium (Flemish Community) and The Netherlands.

The conference, which was attended by some 180 participants (with Her Royal Highness, Princess Margriet of The Netherlands, as the most distinguished among them) was opened by the Dutch Minister for Development Co-operation, Mr. Pieter Bukman. Professor René Jean Dupuy, professor of International Law at the Collège de France, Paris, gave the keynote speech at the opening session. Speakers during the three working sessions of the conference included representatives of the ICRC, the League, UNHCR, *Médecins sans Frontières*, *Médecins du Monde*, CEBEMO (the Dutch Catholic Organization for Joint Financing of Development Programmes), Save the Children Fund, Oxfam UK, and the academic world.

While the title suggested that the work of the conference would be strictly limited to situations of armed conflict, it actually went somewhat beyond that limitation, touching upon other disasters as well. This is entirely in keeping with the historical development of the Red Cross, which started out as an organization exclusively oriented towards the victims of war but soon enlarged its scope to peacetime tasks.

The subject chosen for the conference is, of course, very much a Red Cross topic. Indeed, although the Red Cross never held or wished to hold a monopoly in the field of humanitarian assistance, it long occupied a dominant position, both on account of its geographical spread and its high degree of organization. From the outset, it was never entirely without an international legal basis, although it ventured step by step further into areas as yet not covered by the law. The international legislative process often followed in the wake of these daring initiatives.

The existence and further development of a body of international law supporting its work was, from one point of view, a blessing for the Red Cross. At the same time, it always entailed problems too, as treaty provisions might be open to different interpretations and the authorities concerned would often be reluctant, to say the least, to accept the interpretation most favourable from a humanitarian point of view. Also, the very existence of particular provisions might point to the silence of the treaties in force on other matters, making the humanitarian argument even more difficult to sustain.

With all this, the Red Cross was never really threatened in the past in its existence and activities: on the contrary, it (meaning both the ICRC, the National Societies and their federation, the League) enjoyed broad confidence and support both morally, where its principles were concerned, and financially.

In recent times, the situation has become more difficult and complicated. The decolonization process has made the international community more varied and less inclined to accept traditional Western standards virtually as a matter of course. New ideas are being forged into basic principles of law, for instance in the field of human rights where the debate now is about a "third generation" of such rights (including a claimed right to development and, perhaps, a right to humanitarian assistance).

The result of the decolonization process is noteworthy in another respect as well: while the Western world may have become somewhat more stable, this certainly does not yet apply to the realm of the newly independent states. In effect, violence is widespread in those areas, and much of it takes the form of internal armed conflicts—if the situation is recognized as an armed conflict at all. Assistance to the victims of those situations is far more precarious, both legally and practically, than in more traditional international armed conflicts.

Furthermore, an increasing number of agencies are now active in the assistance field, and they may start out from motives and aspirations and use stategies and tactics that are very different from those of the Red Cross. Indeed, for some of them, "activity" is synonymous with "activism", bringing them very far from the stance of impartiality and neutrality that is so essential to the Red Cross philosophy.

At the same time, all these agencies operate so to speak on the same market, both in the field, where the victims are found, and on the home front, in fund-raising in particular. They also encounter more or less the same practical difficulties as regards access to the country where they want to deploy their activities, relations with the authorities and population, transport, customs, etc.

In these circumstances, it is hardly surprising that conferences are held and symposia organized to examine the problems involved. The subject has long been an obvious item on the agenda of international Red Cross and Red Crescent meetings. However, its recent topicality has resulted in several special conferences: e.g. the 10th session of the Medico-Juridical Commission of Monaco, 24-26 April 1986(*Annales de Droit international médical*, No. 33, 1986); an International Conference under the auspices of *Médecins du Monde* and the Law Faculty of Paris-Sud, on "Humanitarian Law and Morality", Paris, 26-28 January 1987 (Mario Bettati and Bernard Kouchner (ed), *Le Devoir d'ingérence*, Paris, 1987)[1]; and a Round Table, organized by the Red Cross Society of Monaco in conjunction with the International Institute of Humanitarian Law, Monaco, 22-24 April 1987.[2]

The June 1988 Hague conference takes its place as the most recent addition to this list of events. Its purpose was to be a combined academic and practical exercise: academic, in view of the background of a number of the speakers and because no decision was intended, not even on a final resolution. But the conference was practical in that a good number of eminently practical difficulties were discussed, and many of them by expert practitioners in the field of humanitarian assistance.

The conference discussed three problem areas. One concerned questions of principle and basic purposes in providing and accepting—or refusing—humanitarian assistance. "Protection and assistance", the complex and multifaceted twin notion that covers a good part of the external activities of the ICRC and indeed has found a firm place in humanitarian treaty law, was offset here by claims of new developments in the law, leading some to postulate a "right to humanitarian assistance" (including, of course, a right to provide such assistance, if necessary, without the consent of the authorities concerned). Strikingly, nearly all speakers emphasized nonetheless that their organizations wish to respect the principles of impartiality and neutrality.

The second area of discussion covered juridical and practical problems. Among the many points raised, two were of particular interest. One was that of access to a conflict-ridden or disaster-stricken country or, in other terms, the question of consent especially of the incumbent government, even when it is a matter of access to a part of the territory

[1] See also "Law and Humanitarian Ethics", *International Review of the Red Cross (IRRC)*, nº 257, march-april 1987, pp. 226-229.

[2] See "Round Table on the Status of the personnel and volunteers of international and national organizations in humanitarian actions", *IRRC*, nº 259, july-august 1987, pp. 435-437.

over which it has no control. The other point of interest was the use of protective emblems, and in particular the red cross, by persons (such as medical doctors not belonging to the military medical services or a duly recognized National Red Cross Society) who are not formally entitled to use such emblems but feel that their work deserves to be so protected.

The third and last area of discussion dealt with organizational matters and the need for co-operation among agencies involved in humanitarian activities and co-ordination of their efforts. These needs were underscored from all quarters, both with a view to a better understanding and support (including financial contributions) by public opinion at home, and to curb the rising displeasure among governments and National Societies in recipient developing countries at the waste of resources and energy that infallibly accompanies unchecked competition and unco-ordinated efforts of donor agencies.

As stated above, no resolution was adopted at the end of the conference; it was more like a first round of discussions among, until recently, quite opposite parties. In this respect, the conference definitely served its purpose: the opponents are now, to say the least, "on speaking terms". Equally unmistakably, other rounds will have to follow.

The papers read at the conference, together with a summary of the discussions and some useful annexes, will be published in early 1989 by Martinus Nijhoff Publishers, Dordrecht, The Netherlands, under the title that is also the title of this brief review:"Assistance to the Victims of Armed Conflicts".

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Statutory meetings in Geneva

The 22nd session of the Executive Council of the League of Red Cross and Red Crescent Societies was held in Geneva on 20 and 21 October 1988 under the chairmanship of Mr. Mario Villarroel, the League President.

The Council members heard a report from Mr. Pär Stenbäck, Secretary General of the League, on the League Secretariat's activities