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International Humanitarian Assistance: 
The Role of the Red Cross

David P. Forsythe*

Increasingly in wars and other public disorders, the latter being sometimes called complex emergencies, more civilians suffer than combatants. Particularly in the post-cold war world, one could identify a zone of turmoil marked by acute civilian suffering. Out of the zone of turmoil emerged a zone of tranquility which operated a complicated system of humanitarian assistance to respond to civilian suffering. Media coverage emphasized the suffering, but never before in world history had such a kaleidoscope of humanitarian actors combined to provide emergency relief on such a broad scale. There were governmental actors (e.g., USAID and its OFDA), intergovernmental actors (e.g., ECHO, UNHCR, UNICEF, World Food Program), and non-governmental organizations (e.g., CARE, Oxfam, World Vision, Save the Children Federation). Inevitably,

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1 INTERNATIONAL REVIEW OF THE RED CROSS, No. 282, May-June 1991, at 308 (according to Red Cross sources, civilians made up 15% of victims during World War I, 65% in World War II, and 90% in armed conflicts today). WORLD DISASTERS REPORT 34 (1994) ("Complex emergencies" is an amorphous term used at the U.N. to by-pass argument over the dividing line between wars or armed conflicts and broader situations. It implies at a minimum breakdown of national order, human suffering, and lack of control by any one actor).


3 The U.S. Agency for International Development and its Office of Foreign Disaster Assistance, along with the European Union and its agency that went under the name of European Community Humanitarian Office, were major donors in the system of
calls were heard for better organization and coordination, and in 1992 the United Nations created a Department of Humanitarian Affairs.

The Red Cross and Red Crescent Movement has been concerned with war-related suffering ever since its origins in the middle of the 19th century. While the early focus of the original Red Cross agency, what is now called the International Committee of the Red Cross [hereinafter “ICRC”], was on wounded combatants, attention eventually included civilians in war zones. The Red Cross and Red Crescent Movement, theoretically coordinated by the ICRC in wars and similar disorders, is officially a private or quasi-private network. The ICRC in particular prides itself on its independence. It is historically unique and has a special place in international humanitarian law. The ICRC, in principle all Swiss, wishes to be neither the humanitarian arm of the United Nations Security Council nor the humanitarian showcase of the Swiss state, with which it has a special relationship.

What then is the current role and future prospects for the Red Cross in international humanitarian assistance? Will it continue to carve out a unique and useful role? Or will it be marginalized by such developments as improved United Nations coordination and/or greater humanitarian assistance.


5 FRANCOIS BUGNION, LE COMITE INTERNATIONAL DE LA CROIX-ROUGE ET LA PROTECTION DES VICTIMES DE LA GUERRE 1994 (the ICRC tried to enhance it independence from the Swiss state during the 1990s, or at least to give the appearance of greater independence, through a new legal agreement); see Christian Dominice, L’Accord de Siege conclue par le Comite International de la Croix-Rouge avec la Suisse, REVUE GENERAL DE DROIT INTERNATIONAL PUBLIC, Jan.-Apr. 1994, at 5-36.
effectiveness by other relief agencies? Evaluation of the ICRC, as with other relief agencies, requires attention to five tasks: 1) negotiating access to civilians in need; 2) assessing human need; 3) mobilizing resources; 4) delivering assistance; 5) evaluating performance and planning for the future.  

I. BACKGROUND

The ICRC claims a special role in international humanitarian assistance because of history, international humanitarian law, and Red Cross principles. The organization has played a major role in assisting war victims from 1859 on, at a time when the French army had more veterinarians to care for horses than doctors to care for soldiers. It successfully lobbied for the first Geneva Convention for war victims in 1864, and thereafter played a role in the subsequent development of international humanitarian law. In the current codification of that law, the ICRC is specifically mentioned and is given certain rights and duties—to visit prisoners of war and civilian detainees in international armed conflict. Red Cross principles require it to act for humanity, on a universal basis, with impartiality and neutrality—and independence—inter alia.

There is a recognized right to humanitarian assistance for civilians in occupied territory as a result of international armed conflict. Although this right is nowhere explicitly stated, one can read international humanitarian law to mean that in on-going international armed conflict, there is an implied right to humanitarian assistance. A belligerent may have only the right to control the means of delivery but not to block the delivery itself. This implied right to humanitarian assistance is stipulated in several sources. In non-international armed conflict, at least in the Geneva Conventions (Common Article 3) and

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6 MINEAR & WEISS, supra note 2.
7 BUGNION, supra note 5.
Protocol II, there is an implied right to humanitarian assistance. The U.N. Security Council has declared that to interfere with humanitarian assistance constitutes a war crime, without drawing a distinction between international and internal conflict. The 1995 Red Cross Conference, meeting in Geneva, asserted a general right to humanitarian assistance in all armed conflict. The U.N. General Assembly has passed resolutions on humanitarian assistance which say, on the one hand, that "countries" can request assistance, implying that non-governmental parties can make the request, but, on the other hand, stating that assistance shall occur with the consent of the state, implying a negation of a human right to assistance.

However, if the situation of concern is a complex emergency or some type of disorder not widely viewed as armed conflict, international humanitarian law does not legally apply. One must turn to general human rights law as found, for example, in the U.N. Covenant on Economic, Social, and Cultural Rights, where one reads of personal rights to adequate food, clothing, shelter, health care, etc. But the convention implies that the state has the duty to provide what is legally required, and there is no mention of third parties, or outside parties, in the provision of assistance. Although there is a monitoring mechanism to supervise the application of the Covenant, this committee of experts is not an operational relief agency.

In so far as an actor believes that there is a right to humanitarian assistance in public international law, the ICRC is given no monopoly on its delivery. The ICRC is mentioned in the Geneva Conventions and Protocols as an example of the type of impartial, humanitarian agency that could be involved. Where one finds an

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international or internal armed conflict, or even a similar complex emergency, one usually finds the ICRC presenting its services to the fighting parties for assistance and prisoner matters. Thus, the ICRC has a traditional role in such situations. The ICRC has been involved in the major examples of armed conflict and civilian suffering after the cold war, as in Somalia, Bosnia, Rwanda, etc., and in legally more ambiguous situations as in Chechnyna.

A different point deserves emphasis. Whatever the law and tradition, many fighting parties in the post-cold war world have never heard of the Geneva Conventions, and/or have never heard of the ICRC, and/or simply regard civilian suffering and humanitarian assistance as weapons in their political struggles. As was said of Somalia in 1992, "Virtually no one with a weapon had heard of the Geneva Conventions...." 10 The ICRC and other relief agencies face illiterate child-soldiers on drugs, brutal war lords interested only in personal power, military commanders who think nothing about massacres or starvation of civilians and deadly attacks on relief workers and their convoys, and political leaders more interested in state sovereignty than the welfare of persons. ICRC delegates and other relief workers have been killed, and other ICRC delegates have witnessed such horrors in places like Liberia that they require psychiatric counseling. 11 Particularly large scale relief requires the cooperation of those with the guns on the ground, whatever diplomats and lawyers might say about a right to humanitarian assistance. The only alternative to negotiated cooperation is to overwhelm with military force, which is not a viable option in most situations owing to lack of political will, as well as moral opposition, by important parts of the international community. 12

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12 See especially Adam Roberts, *Humanitarian War: Military Intervention and Human Rights*, Int'l AFF. 429-450 (1993)(stating even in Somalia during the winter of 1992-1993, the deployment of military force was not initially directed against various political leaders but against bandits and thugs. Somali "war lords" had quietly
II. NEGOTIATION ACCESS

In Geneva, the ICRC has a staff of about 600 that tracks the plight of civilians in war and complex emergencies, along with its other concerns. In the 1990s, the ICRC sent out an additional 600 persons organized into regional and sub-regional delegations to work in the field. In addition to its existing involvements, it planned over 20 sizable assistance programs costing about $500 million in 1995.\(^{13}\)

Unfortunately, many national Red Cross or Red Crescent societies in the poorer states are too weak to provide much support to the ICRC. But the local affiliate is in a good position to provide information about the situation, or has good contacts with a fighting party. The ICRC has increased their effort to stay in touch with national affiliates, but not always with the support of their association, the Federation of Red Cross and Red Crescent Societies, which has a separate headquarters in Geneva.

Since the ICRC has observer status at the United Nations, it comes in direct contact with governments. The head of the ICRC's New York office meets monthly with the president of the U.N. Security Council. The ICRC participates in two consultative groupings in New York and Geneva with NGOs involved in relief. In 1995, the ICRC opened an office in Washington D.C. The ICRC seems reasonably informed about where it should seek access to civilians in need.

The ICRC's maximum objective is to engage in both relief action and detention visits on all sides of a conflict. With regard to relief, the ICRC asks for: freedom of movement to make assessments, the right to monitor relief to ensure impartiality, administrative control over the delivery system, and the right to make follow-up inquiries agreed to the military deployment. Likewise in the former Yugoslavia, while NATO in the form of IFOR had the military power to carry out enforcement operations, it was deployed with the agreement of the parties who signed the Dayton and Paris Accords. There is considerable moral as well as political opposition to "humanitarian war" which would force assistance on resisting political leaders).

\(^{13}\) International Committee of the Red Cross, APPEL SIEGE 1995, (1994).
about the impact of relief.\(^\text{14}\) However, given the lack of humanitarian commitment by various fighting parties and the presence of other relief actors to which the fighting parties can turn, achieving principled access is a delicate diplomatic art form.

There is a widespread belief that when the ICRC negotiates for access it is rigid and unbending, emphasizing the rules of humanitarian law and also Red Cross principles. The president of the International Council of Doctors Without Borders believes that the ICRC never tries to deliver humanitarian assistance without consent because of its links to international law.\(^\text{15}\) That group developed because of a belief that adequate relief had not gotten to Biafra during the Nigerian civil war, in part because the ICRC was too concerned about agreement from the Federal side. A relief expert sees the ICRC's commitment to Red Cross principles as "inviolate."\(^\text{16}\) A superficial examination of events would seem to support this view.

In certain situations, the ICRC believed that the delivery of relief must meet certain international standards. It prefers to suspend its operations or withdraw from a situation rather than violate those standards. During the Nigerian civil war of 1967-1970, the federal air force shot down a plane trying to deliver Red Cross relief from Lagos to the Biafran enclave without permission. The ICRC suspended operations and decided that the federal side did indeed have the right to supervise assistance, from federal territory if necessary, reasoning by analogy to Article 23 of the Fourth Geneva Convention of 12 August 1949.\(^\text{17}\) If Biafran authorities would not agree to


\(^{16}\) Natsois, *supra* note 2.

\(^{17}\) Thierry Hentsch, *Face au Blocus: La Croix-Rouge Internationale dans le Nigeria En Guerre 1967-1970* (1973). The ICRC had obtained a "fly at your own risk" permission from Lagos. After that permission was revoked, the ICRC continued to participate in "night" flights, in which Red Cross planes mixed in with planes carrying armaments to Biafran forces. This airlift was thus not a purely neutral
reasonable federal plans for relief, the ICRC would have to retire to the sidelines.

In Old Greater Ethiopia in 1988, the ICRC withdrew from an assistance role because it found the relief plans of the central government to be both harsh and unacceptably political. The Mengistu government was using international relief to lure civilians into relocation projects, so as to remove civilians from areas of guerrilla or rebel uprisings. In the process some families were divided. Although other relief agencies were willing to participate in this scheme, the ICRC withdrew because it failed to achieve detention visits to prisoners held by the central government. To ICRC's consternation, the Red Cross Federation then filled the assistance role on governmental terms just rejected by the ICRC.

In the former Yugoslavia, during the early 1990s, the ICRC managed a relief operation second in size and importance only to the U.N. Office of the High Commissioner for Refugees [UNHCR]. In that conflict, some observers found the ICRC more principled than the UNHCR. In their view, the ICRC was more likely to suspend relief deliveries, even if it meant civilian hardship, because of considerations of impartiality and neutrality, by comparison to the UNHCR. The UNHCR seemed more tolerant of political diversions and objectives than the ICRC although both agencies acted primarily for civilians. In Bosnia, the ICRC and the UNHCR, alike in many ways, sometimes differed on what constituted adequate humanitarian space in the midst of war.

Likewise, in the Sudan for many years, the ICRC refused to provide relief schemes for the south of that troubled country unless the government assured that there would be no diversions to military

operation. But the ICRC was concerned about civilians in the Biafran enclave, and was competing with Joint Church Aid, a coalition of relief actors not much interested in the niceties of state consent or impartiality. Had the ICRC withdrawn earlier, it would have left assistance in war to JCA, and would have lost the support of much public opinion in Europe and North America which was pro-Biafran.

parties. While this meant that at times relief was not provided to any civilians, it was also true that certain satisfactory agreements were struck for limited times and effects. ICRC officials reinforced the image of great attention to rules and principles, saying that the ICRC cannot ignore international humanitarian law, with its attention to state consent, since the ICRC helped develop that law. Overall, the picture of the ICRC and humanitarian assistance is quite complex.

The ICRC acted in a fairly "revolutionary" way for a time in the Nigerian civil war. It delivered relief in a manner that contributed to some Biafran political objectives, offending various parties on the federal side, while knowingly contravened the wishes of the Ethiopian central government. From 1976 the ICRC participated in a "cross border" relief operation from the Sudan. It delivered assistance to Tigray and Eritrea, then in rebellion. The ICRC also seeked Tigrayan permission to visit Ethiopian fighters detained by the rebel movement. In this context, the ICRC even removed the Red Cross symbol from its trucks to avoid Ethiopian air attacks on relief convoys. In May 1987 the ICRC withdrew from the crossborder effort, saying that emergency civilian need in Tigray had abated when in fact the attempted detention visits never took place. In any event, from the Ethiopian point of view, the ICRC "crashed the gate" in Tigray. Debate continues in Geneva over whether this type of "revolutionary" action would be repeated or was a one time, exceptional event. Thus, overall policy is not clear.

In a number of situations, the ICRC would inform a government that it was delivering relief, but Geneva would not ask for


20 BUGNION, supra note 5.

consent or permission. This occurred in Afghanistan during the 1980s when it operated from Pakistan. A rather remarkable version of this type of action occurred in Cambodia after the Vietnamese invasion of 1979. Finding needy civilians in the hinterland, the ICRC and UNICEF engaged in a cross border operation from Thailand. When the government in Phnom Phen objected, the ICRC and UNICEF continued. They asserted a duty to help civilians in need, knowing that the Cambodian government lacked the means to implement its objections. Eventually, the government accepted the realities of international relief.\(^2\)

The ICRC had previously engaged in cross border assistance on a small scale to Iraqi Kurds. There it operated from Iran before the fall of the Shah. In that case, while the ICRC has been reticent, it is unlikely that notification was given to Saddam Hussein of help to his ethnic, domestic enemies.\(^2\) In places like Liberia, without effective central government, requesting consent was out of the question. The ICRC, like other relief agencies, did what it could, trying to secure the cooperation of local para-military forces.

In Somalia during the early 1990s, the ICRC continued relief, even when other agencies pulled out, despite the loss of some 5% (1993) to 20% (1992) of the relief to political and other disruptions. The ICRC hired its own local protection force made up of armed individuals, and paid them in rice, in order to get some relief to hundreds of thousands of starving civilians. After the U.N. authorized military force to secure humanitarian assistance, the ICRC cooperated with that sizable military presence. The ICRC worked at the end of a logistics system with the Somali Red Crescent, dominated by the U.S. military. From one view this was a militarized relief system that was nevertheless intended to be impartial, in that it was supposed to benefit civilians without regard to political orientation, gender, ethnicity, clan, or other identification. The ICRC later argued that the military should stay out of assistance, leaving it to the impartial, non-

\(^{22}\) Bugnion, *supra* note 5.

governmental agencies, but in Somalia the ICRC cooperated with military forces and local armed groups to save civilian lives. What do these examples tell us about the ICRC and negotiating access for humanitarian assistance? Independence, impartiality, neutrality, and other norms of interest to the ICRC do not implement themselves in war and complex emergency. The proliferation of relief actors whether governmental, intergovernmental, or non-governmental makes it difficult for the ICRC to successfully implement its values. The ICRC is interested in both principled action and doing practical good for civilians in need. It also has a tradition, at least for small scale operations, of giving delegates considerable room to maneuver in the field. All of these factors hamper consistency.

Thus, there is not one, dominant pattern of ICRC access to civilians for relief. The agency clearly prefers a negotiated arrangement with all parties consistent with legal and Red Cross norms. But when that optimum situation cannot be achieved, it has acted in different ways in different situations out of practicality in context. The ICRC is not so legalistic and/or moralistic as some have believed, but at the same time it is not just another private relief agency. Like its spokespersons, it works both sides of the fence. It emphasizes public international law and Red Cross principles (which are approved by Red Cross Conferences in which states are represented), but it has acted against the wishes of some public authorities on occasion for the welfare of civilians in dire straits. Also, it acted in gray areas where it is unclear whether explicit consent has been obtained.

III. ASSESSMENT OF NEED

The same system in place to identify civilians in need operates to assess that need. Governments, intergovernmental organizations,
NGOs, the communications media, and the Red Cross and Red Crescent Movement can all become involved. From 1992, the U.N. created an Under Secretary-General for Humanitarian Affairs, who doubled as the Emergency Relief Coordinator, and who was connected to an embryonic U.N. early warning system with some assessment capacity. Even state intelligence agencies acted as the service of assessment.

In most conflicts, there is not a single, coordinated assessment of humanitarian need. If the conflict attracts enough attention, there is likely to be a variety of assessments—from the UNHCR concerning refugees and those in a refugee like situation, from UNICEF concerning mothers and children, from the WHO concerning health, perhaps from the U.N. Resident Representative in countries hosting programs from the U.N. Development Program, and etc. In Somalia in February of 1992, Africa Watch, then a sub-division of Human Rights Watch, which normally emphasizes civil and political rights, sent a survey team along with Physicians for Human Rights to assess need for assistance in that failed state. Despite the fact that the ICRC, special representative of the U.N. Secretary-General, the U.S. AID, and many other agencies had already reported assessment from Somalia. Likewise, in the former Federal Yugoslavia during the early 1990s, there were many assessments of civilian need, including from the local offices of the former Yugoslav Red Cross. Many NGOs have personnel strung across the so-called Third World; they send reports to their superiors who in turn communicate with the rest of the fragmented international relief system.

"The ICRC does not accept reports or requests at face value by outside sources." During the spring of 1991, the U.S. and certain Western states intervened forcibly in Northern Iraq, ostensibly to protect and assist Iraqi Kurds. Some National Red Cross Societies, such as the American Red Cross, followed their governments into that

25 Leaning, in Cahill, supra note 2, at 108.
26 MINEAR ET AL., HUMANITARIAN ACTION, supra note 18, at 31.
situation. The ICRC carried out its own surveys of civilian need in northern Iraq for two reasons. First, it was already present in Baghdad because of Desert Storm earlier that year. More important, it was because of its interaction with the Iraqi government since 1980. In this context, the ICRC refused to act on the basis of reports from intervening governments and their Red Cross societies.

However, self-assessment is not an iron-clad principle. The ICRC will act on the basis of a report from "a partner of its choice." In Iraq during the mid-1990s, the ICRC used an assessment of civilian need by the WHO as part of its appeal for funds to carry out a relief operation. WHO's broad survey fits the ICRC's limited data on segments of the population. The ICRC then lobbied the United Nations to pay more attention to the plight of the overall Iraqi population, whose hardship was directly linked to economic sanctions imposed under U.N. authorization.

The ICRC has specialists to assess civilian needs concerning health, nutrition, shelter, potable water, etc. In a large regional ICRC delegation, as found in Nairobi and Kenya, several such specialists are already in the field. Others can be sent from Geneva on short notice. However, if the ICRC is excluded from a country, as in Cambodia under the Khmer Rouge or in Sudan for much of the 1990s, proper assessment cannot be made.

Usually, the assessments for humanitarian assistance remain consistent. This may be due to persistent information sharing that goes on in New York and Geneva among the component actors of the relief system. Occasionally, the ICRC or another actor will come across a new segment of persons in need in places like Liberia or Mozambique. In such case, some actors will proceed to act on the new information while others will defer to that division of labor. The ICRC, in trying to draw the U.N. Security Council's attention to the situation of vulnerable civilians in Iraq, was only one step ahead of similar concerns by other actors. In similar reports about civilians in

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28 Id.

Haiti, during a time of economic sanctions because of military government, certain other actors seemed a step ahead of the ICRC.

In general, the problem is not accurate assessment but mobilization of adequate response. Somalia is a good case in point. A number of actors recognized the prospect of massive starvation by late 1991 and early 1992. The ICRC, Save the Children Federation (British division), and by some accounts U.S. AID, projected the problem accurately enough. The U.N. appointed a special representative in May of 1992, but it was not until that July that wheels began to turn for a greater international effort. And it was not until October of 1992 that the U.N. devised a coordinated international plan for dealing with starvation in Somalia. It was only in December of 1992 that military force was authorized and dispatched to secure the delivery of humanitarian assistance.\(^3\)

IV. MOBILIZATION OF RESOURCES

The ICRC is well positioned to mobilize resources for relief, being part of a transnational movement, having a special role in armed conflict, and being well known to the major donors such as U.S. AID and the European Union's ECHO. But the scale of disasters can exceed ICRC capability, the agency has not always mobilized certain types of relief, and it has not always proven adept at mobilizing concern.

Over the past decade, from the mid-1980s, the ICRC quadrupled its spending for relief to the range of $500-600 million. The agency also found the necessary personnel to administer its relief programs. The ICRC can call on personnel from the various Red Cross and Red Crescent Societies since the agency insists on Swiss nationals only for detention visits. Those who wanted the ICRC to concentrate on prisoner matters and those who wanted the agency to limit itself to very small relief operations, have clearly been passed over by events. But it remains unclear just what is the ceiling on

\(^3\) \textit{See especially} Leaning, \textit{in} Cahill, \textit{supra} note 2, at 114, 117.
ICRC relief capacity.

The exodus of several million persons from Rwanda during 1994, or the projected starvation of hundreds of thousands of Somalis during 1992 and 1993, was clearly beyond the capacity of the ICRC. As far back as 1971 and events in eastern Pakistan, soon to be Bangladesh, the size of the human problem mandated a United Nations role. The view is widely held that some relief problems are so massive that only governments, particularly their militaries, can respond adequately. But ICRC relief operations were not small in Somalia up through the end of 1991. In both Bosnia and Jordan during the early 1990s, the ICRC coordinated sizable relief undertakings.

It is possible that improved coordination of relief appeals via the United Nations and its Department of Humanitarian Affairs will preempt the ICRC as mobilizer of significant Red Cross relief. This is not likely to happen anytime soon. Major donors like the U.S. and the EU's ECHO are not insisting on such a coordinated system of mobilization because they regard the ICRC as far more efficient than most U.N. agencies. Some U.N. attempts at coordinated appeals have proven disappointing.

Surprisingly enough for an agency that traces its history to medical assistance to the battlefield wounded in 1859, the ICRC failed to play a major role in mobilizing medical relief until the 1970s. Medical relief was left mostly to the national Red Cross and Red Crescent societies. The Nigerian civil war changed matters, and from 1977 the ICRC coordinated a medical division, and not just a medical coordinator, in its Geneva structure. With competition from Medecins

31 THOMAS W. OLIVER, THE UNITED NATIONS IN BANGLADESH (1978) (stating that in that situation, for a time the U.N. relief coordinator was a Swiss national who was also a member of the Assembly of the ICRC. It was not always clear whether this individual was wearing his U.N. hat or his ICRC hat when directing relief in that South Asian conflict).


33 MINEAR & WEISS, supra note 2, at 118.
Sans Frontiers [Doctors Without Borders] and other medical groups, by the mid-1990s, the ICRC expanded its medical work to the point where approximately 20% of its emergency budget, and some 10% of its regular budget, was going to medical field work. Some in the Geneva headquarters thought this activity duplicated or undercut efforts at the national level.

In any event, the ICRC was slow to recognize the need for transnational medical relief, a need that was filled in part by other organizations that mostly had a wider mandate and sometimes a different approach than the ICRC. Doctors Without Borders did not limit itself to situations of armed conflict and initially was not much interested in state consent. Physicians for Human Rights was active in forensic medicine related to judicial proceedings, whereas the ICRC theoretically supported punishments for war crimes while refusing to gather evidence for or testify in such trials—the better to protect its field work in conflict situations. The ICRC also did not play a significant role in mobilizing opposition to the participation of medical personnel in ill-treatment of detainees, leaving that issue to other private groups.34

The Red Cross Movement competed with other medical groups concerning humanitarian assistance around the world. This competition was especially evident in the poorer countries where few doctors were available for charitable or pro bono work. Some of the rougher edges of the competition were moderating by the mid-1990s.35 In places like Rwanda during 1994, Medecins Sans Frontiers personnel worked under ICRC aegis and rules of engagement.

There is some debate as to whether the ICRC mobilizes the right type of relief. Most in the ICRC relief division dismiss the

matter as a major problem. There are clear guidelines for donations in kind. But donors do not always follow these guidelines, and stories abound about a Red Cross/Red Crescent society, or a government, that insisted on providing something inappropriate or unnecessary. There is infrequent allegation that the ICRC itself called for inappropriate relief although some believe the ICRC should have used sorghum rather than rice in Somalia in the early 1990s--so as to lessen attempted diversions of the much-valued rice.

Finally, a word should be said about mobilizing concern as well as material and personnel resources. In the 1970s, an international review team criticized ICRC in a report for being deficient in openness and public relations. The argument was that the ICRC had unnecessarily and dysfunctionally emphasized discretion beyond its detention visits. Thus, Geneva failed to maximize its support in various circles. Over time the ICRC has greatly expanded its media and public relations activities, probably for reasons having more to do with competition from other organizations and a changing climate of opinion on behalf of humanitarian values than with the report. Top officials have used the weapon of public protest or public statement much more frequently than in the past, and without jeopardizing the victims it seeks to help. The core issue is not public protest per se, but effective openness at times and in ways to better mobilize support for humanitarian assistance.

It was only in 1995 that the ICRC opened an office in Washington. In other ways, the ICRC still found it problematic to mobilize concern about victims of war and complex emergencies. It started a relatively candid publication series in French, but refused to follow through with English translations after a government protested

36 INTERNATIONAL COMMITTEE OF RED CROSS RELIEF DIVISION, HANDBOOK FOR DONORS: TECHNICAL GUIDELINES FOR DONATIONS IN KIND TO ICRC RELIEF OPERATIONS (Sept. 1989).
some of the contents.\textsuperscript{39} Parts of the Geneva headquarters would cooperate with scholars and journalists, but other parts would deny cooperation on the flimsiest of excuses. Infrequently, other relief officials found the ICRC difficult to work with, or "prickly" about its preferred position in relief activity. In the diplomatic phraseology of two authors, the ICRC was not "an organization to take its special status lightly."\textsuperscript{40} These aspects of public relations hampered mobilization of concern.

Overall, the ICRC record on mobilization of resources, including concern for victims of war and conflict, is mixed. The ICRC has helped mobilize important relief in places like Somalia, Bosnia, and Jordan although it is difficult to specify the exact ICRC role by comparison with USAID. The ICRC had been slow to fill the need for international medical relief and to recognize the need for broad support and cooperation.

V. DELIVERY

Prior to the 1960s, the ICRC had only limited field experience in delivering relief in armed conflicts. Its relief role in the World Wars was small relative to overall need and was oriented toward occupied territory. The ICRC carried out small scale relief in the Middle East after World War II, but it was only at the time of the Nigerian civil war (1967-70) that the ICRC began to get into the delivery of food relief during on-going armed conflict in a sustained and significant way.\textsuperscript{41}

Despite the creation of the UNDHA, presumably to enhance coordination of relief actors, it remains that in most armed conflicts and complex emergencies it is "pluralism run riot."\textsuperscript{42} In the former

\textsuperscript{39} MICHELE MERCIER, CRIMES SANS CHATIMENT (1995); Girod, supra note 23.

\textsuperscript{40} MINEAR & WEISS, supra note 2, at 164.


\textsuperscript{42} RANDOLPH C. KENT, ANATOMY OF DISASTER RELIEF: THE INTERNATIONAL NETWORK IN ACTION 173 (1987).
Yugoslavia during the early 1990s, there were some 125 NGOs active in relief, not counting intergovernmental, governmental, and intranational or local groups. Insofar as central generalizations can be drawn from this complexity, it is that frequently the technical or logistical cooperation among various relief actors is good, but that coordination of strategy is a different matter.

The ICRC frequently arrives at a division of labor with other major relief actors such as the UNHCR, UNICEF, World Food Program, etc. This division of labor pertains to food, water, shelter, and medical services. In the former Yugoslavia, the UNHCR ran the largest relief program; the ICRC had the second largest with very little overlap or confusion between the two. Both were headquartered in Geneva, both aspired to similar objectives, and each respected the other. In the Sudan, for much of the 1980s, UNICEF was the lead UN agency; the ICRC and UNICEF reached agreement on who was to do what, where. In Rwanda during 1994, the ICRC worked inside Rwanda, with other groups like Medecins Sans Frontieres, while the UNHCR and others focused on some two million civilians in need in Zaire and elsewhere. In Sri Lanka in the 1980s and 1990s, the ICRC "neutralized" government supplied relief going into the Jaffna peninsular where a rebel/secessionist movement was entrenched much of the time. Other actors such as UNHCR, Oxfam, Save the Children, Medecins Sans Frontier, and local groups all took on other tasks with little overlap. In Liberia, the ICRC reached agreement both with UNICEF (which took over an ICRC emergency program for abandoned children), and the World Food Program (which supplied food for an ICRC relief action to certain civilians isolated by fighting).

We have already referred to ICRC-UNICEF cooperation in Cambodia and made passing reference to ICRC-UN cooperation in what became Bangladesh. According to one informed view, "[T]he last twenty years have seen considerable improvement in the speed and efficiency of the humanitarian response to...crises, showing just how much progress

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43 Minear et al., Humanitarian Action, supra note 18, at 40.
has been made on the technical side.\textsuperscript{44}

It is well and good to say that "when it comes to humanitarian emergencies there is no room for rivalries and turf fights."\textsuperscript{45} But competition does occur, and we have already referred to the ICRC and Joint Church Aid in Nigeria, the ICRC and the Red Cross Federation in Ethiopia, and the ICRC and other medical groups such as Medecins Sans Frontier. Private relief groups compete for "market share," and want to establish independent credit if only for purposes of future fund raising. The various UN agencies also seek independent reputation, in part because they depend on select and voluntary contributions from donors like the U.S. The leading policymakers of relief agencies may seek independence in the quest for personal recognition. Some actors are more solicitous than others of international norms, whether legal or otherwise. Some actors rely more than others on public protest about wrongdoing. Some relief actors believe they should use their presence to contribute to criminal prosecutions; the ICRC disagrees. The complexity of situations, as in Ethiopia in the 1970s and 1980s, or Zaire in the 1990s, guarantees a variety of viewpoints among relief actors about the wisdom of any one policy.\textsuperscript{46}

Because the ICRC has a mandate that includes prisoner matters, and because the ICRC will sometimes take on special tasks, its decisions about assistance may be affected. It is highly likely that its decisions about relief in greater Ethiopia were affected to some degree by its quest for visits to detained fighters. It is possible that Geneva used assistance as "bait" or "carrot" in that situation for access to detainees. In Mexico in the 1990s, ICRC decisions to provide relief in the province of Chiappas seemed to be linked to broader concerns

\textsuperscript{44} TANSLEY, \textit{supra} note 36, at 13.
\textsuperscript{45} Jan Eliasson, \textit{quoted in} ERSKINE CHILDERS & BRIAN URQUHART, RENEWING THE UNITED NATIONS SYSTEM 255 (1994).
\textsuperscript{46} After the Rwandan mass exodus in 1994, various relief agencies disagreed about whether to provide food to refugee camps in which militias operated. The UNHCR continued with food deliveries, but MSF stopped its medical work, believing it was contributing to a resumption of fighting in the future.
regarding prisoner and other matters requiring a neutral intermediary.\textsuperscript{47}

The ICRC makes an independent judgment about when the security situation requires a suspension of activity. It stayed in Somalia long after most UN personnel were withdrawn. But it has suspended relief for security reasons, as in Bosnia and Liberia in the early 1990s. Between 1988 and early 1994, 18 persons working in ICRC delegations were held hostage for varying lengths of time, and another eight were killed in various ways.\textsuperscript{48}

The ICRC tries to provide basic or emergency relief only, with some transition to more developmental -- or emergency rehabilitation relief. On occasion it provides seed, farming tools, fishing equipment, etc. so that persons can provide for themselves after the core emergency has passed. The ICRC has also carried out cattle vaccination programs, because of concern for self-sufficiency. The agency seeks to avoid prolonged dependency on its relief. But there is debate in Geneva about emphasis on emergency relief with little developmental assistance -- a situation that can lead to reoccurring crises.

The agency complies with UN stipulations regarding embargoes, even when Geneva believes the UN is in error. Thus when the UN Security Council imposed comprehensive sanctions on Iraq in the 1990s, the ICRC did not try to break sanctions even when it thought the UN sanctions policy too harsh on vulnerable groups of the Iraqi civilian population.

Overall, the ICRC has earned a reputation for delivering rapid and effective relief, particularly on a small to medium scale. It can act in a timely manner, being much smaller and more flexible than UN agencies, and having personnel already in many regions on the world. It is particularly well known for logistical efficiency and for the discipline and commitment of its personnel.\textsuperscript{49}

\textsuperscript{49} NATSIOS, \textit{supra} note 2, at 73-74.
VI. EVALUATION AND PLANNING

The ICRC, seeing itself as the guardian of international humanitarian law, tries to systematically translate its practical experience into principles of humanitarian action. Thus, it now reviews its own policies, proposes resolutions for the International Red Cross/Red Crescent Conference to adopt, and proposes international legal standards for state consent. The fourth Geneva Convention of 1949 was in part the result of the ICRC's difficulties concerning civilian assistance and protection during the preceding world war.

Before the Nigerian war, however, the ICRC was not altogether given to careful evaluation and planning. During World War II, top ICRC policy makers met in Geneva spasmodically in a non-rigorous and not fully systematic process. They had inadequate sources of information needed for sharp decisions about assistance and detention visits. Some key players were ultra-cautious and legalistic. They were pressured by Swiss governmental authorities not to be too tough vis-a-vis Nazi Germany, in the interests of the neutrality and independence of the Swiss state. Moreover, ICRC policy makers failed to control the use of Red Cross travel documents, which were used by some in the Italian Red Cross to facilitate the passage to South America of a number of European officials responsible for war crimes, crimes against humanity, and crimes against peace. While true that many ICRC delegates performed with superb skill in the face of great danger during World War II, for example, in German concentration camps toward the close of the war, the overall ICRC record on policy planning for that era leaves something to be desired.50

Immediately after the Nigerian civil war, when former high

ICRC officials hammered home the point about lack of carefully planned policies,\textsuperscript{51} important changes occurred in Geneva.\textsuperscript{52} The agency put more day-to-day policy in the hands of professional staff, improved the training of delegates, reconsidered the role of the volunteer Assembly, and in general became a more reflective and professional humanitarian actor. Unlike some actors that spring up overnight for particular crises, or that launch into action with an abundance of moral fervor but without careful reflection, the ICRC increasingly tried to bring its institutional memory to bear on current and future issues pertaining to humanitarian assistance.

The ICRC was part of an effort throughout the Red Cross/Red Crescent Movement to produce "national vulnerability assessments" by national societies in anticipation of problems. The ICRC interacted with various other actors to help produce codes of conduct for humanitarian actors and of drafts of a clarified right to humanitarian assistance.\textsuperscript{53} In various ways the ICRC was a key player as the international community stumbled toward planning for an improved relief system for wars and similar events at the turn of the century.

\section*{VII. CONCLUSIONS}

The ICRC is not the relief actor for international humanitarian assistance in armed conflict and civil strife. The global challenge is too great and the ICRC is too small. Some crises are so massive that only states and their military establishments can provide the necessary resources and logistics--and at times security. There is growing demand for sound public policy and management of humanitarian assistance. The ICRC remains a private Swiss agency, although recognized in public international law, which answers to no one but itself--at least formally speaking. Western governments provide most

\textsuperscript{51} JACQUES FREYMOND, GUERRES, REVOLUTIONS, CROIX-ROUGE (1976). Freymond was a former Vice President and acting president of the ICRC.

\textsuperscript{52} VICHNIAC, supra note 4 (capturing some of the changes).

\textsuperscript{53} INT’L REV. RED CROSS, No. 297, GUIDING PRINCIPLES ON THE RIGHT TO HUMANITARIAN ASSISTANCE, Nov.-Dec. 1993, at 519-525.
of the ICRC budgets, and thus the agency must be sensitive to their concerns. Just as the ICRC failed to dominate the evolution of the Red Cross/Red Crescent Movement, with symbols and actors coming into existence that weakened the unity of the Movement, so the ICRC failed to dominate relief in armed conflict and complex emergencies. Whether it could have been otherwise I leave to the historians.  

Changes occurred after the Nigerian war that made the ICRC one of the more respected and effective providers of assistance in conflict situations. Mohamed Sahnoun, an Algerian diplomat who was the representative of the UN Secretary-General in Somalia, and who was not hesitant to criticize malfeasance, identified the ICRC as one of two agencies (UNICEF was the other) which had made a "sterling contribution" in the extremely difficult circumstances of that failed state during the 1990s. Larry Minear, who was part of a major study of humanitarian assistance conducted via Brown University, concluded that "The ICRC has the most consistent record of functioning well under duress" in conflict situations.

The late Fred Cuny, a widely respected expert on disaster assistance, also praised the ICRC, although he thought the agency's penchant for secrecy would keep it from playing a wide role in most conflict situations. James Ingram, with long experience in international food

54 The group that became the ICRC initially held the view that it should not be an operational actor for assistance and detention visits but should be a stimulus for the national societies, who could act with impartiality and neutrality. After the First World War, when this vision largely collapsed, the League, now Federation, of Red Cross Societies, and powerful national societies, went their own ways, and the Movement was fractured. See also BOUGNION, supra note 5; see also HUTCHINSON, supra note 4.


56 Larry Minear, Making the Humanitarian System Work Better, in CAHILL, supra note 2, at 243.

57 Fred Cuny, Humanitarian Assistance in the Post-Cold War Era, WEISS & MINEAR in supra note 2, at 168.
efforts, commented that "The bravery and competence of ICRC staff are beyond reproach and have aroused great admiration." 8

One can conceive of certain scenarios that would reduce the role of the ICRC as coordinator of Red Cross relief in conflict situations. The UNDHA might be given real authority to coordinate the UN agencies active in relief, although this seems unlikely at the time of writing. Conversely, the UNDHA might be dissolved, and an improved UN disaster agency created, perhaps on the back of the UN Development Program. This also seems unlikely. A third possibility is that the major donors, USAID and the EU's ECHO, by the power of their contributions and related logistics capability, might themselves insist on the creation of a more effective system from the existing actors. Since the ICRC resists this type of vertical coordination by public/political bodies, it might be left mostly on the sidelines with only the roles of advance warning and small scale temporary relief.

To the extent that the current system of international humanitarian assistance continues, the ICRC is likely to remain one of the more important actors. It has performed the various tasks inherent in assistance reasonably well. It endorses horizontal or voluntary coordination among relief actors, and the current system performs better than one might expect from an initial look at its complexity.

The ICRC has not been marginalized in the provision of humanitarian assistance by the proliferation of other actors. The agency has found various important roles for itself, with donor support, that varies from case to case. In 1992 it delivered more assistance than in any year since World War II, with 70% of it going to Somalia and former Yugoslavia. 59 The ICRC, like other relief actors, has been marginalized in some conflicts at some times by the fighting parties themselves. That the ICRC was kept from providing the assistance it wanted in places like Liberia or the Sudan was not the fault of the agency, but of the inhumane values of the combatants.

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8 James Ingram, The Future Architecture for International Humanitarian Assistance, in WEISS & MINEAR, supra note 2, at 189 and passim.

That ICRC safe areas for civilian protection and assistance in Liberia worked no better than UN protected areas in Bosnia, and that the ICRC had to withdraw from Liberia for a time, reflected badly on the fighting parties but not on Geneva.

Unfortunately, the near future holds more of the same, with perhaps increased horizontal coordination among those who provide humanitarian assistance in armed conflict and civil strife. The ICRC, given its history and linkage to international humanitarian law, believes it is obligated to stay the course and do the best it can.