

Legal bases

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LEGAL BASES

The work of the ICRC is based upon the Geneva Conventions and their Additional Protocols, the Statutes of the International Red Cross and Red Crescent Movement, and the resolutions of International Conferences of the Red Cross and Red Crescent. The ICRC's mission is to provide protection and assistance to victims of armed conflicts. It takes direct and immediate action in response to emergency situations, at the same time promoting preventive measures by developing and spreading knowledge of international humanitarian law.

There was no major fight between States but within State borders. In 2000, this was the case for all but one of the 25 most ongoing armed conflicts. Furthermore, there were more and more conflicts which did not fall under the categories underlying the First World war tradition of the conventional wisdom: wars of political revolutions – that is, the sheer struggle for power – and economic and monetary related issues, as well as the permanent conflicts regarding control of natural resources. This is reflected by the fact that most conflicts in the world today are internal, and that they are fought between different ethnic groups, religious groups and local leaders, probably of a rural character. Other features of armed conflicts in 2000 were also changes to what has been called conventional conflicts, and that small groups to combat the military and political much larger forces, and that they had to rely on private means to sustain themselves. These conflicts were also fought for their belongings, in several cases, for the limited resources they offered, as both conflict areas in the world in Afghanistan, Angola and Sudan are prime examples. On the other hand, the peace accord between Israel

and the PLO in 1993, and the peace agreement between the United States and Cuba in 1994, were the first steps in the direction of a new era in international relations, where the ICRC, with the support of the entire Movement, has put constant pressure on governments to adapt international humanitarian law to changing circumstances, especially developments in methods and means of warfare, in order to provide more effective protection and assistance for the victims of armed conflicts.

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

Moreover, two Protocols additional to these Conventions were adopted in June 1977. Protocol I protects the victims of international armed conflicts, while Protocol II protects the victims of non-international armed conflicts; in particular, these Additional Protocols have codified the rules which protect the civilian population against the effects of hostilities.

More than three-quarters of all States are now bound by the Protocols.

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

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