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## *The groundwork for action*

Since it was established in 1863, the ICRC has constantly endeavoured to assist the victims of armed conflicts and thereby help bring about a lasting peace.

This devotion to its original objective implies a perpetual reassessment of its function. For although it is true that suffering is ever with us, the nature of conflicts and the categories of the victims affected by them are continually changing. These victims were, first, the wounded of armed forces in the field, to whom were later added the shipwrecked, prisoners of war and, above all, civilians, of whom conflicts take an ever-increasing toll: women, old people, children, killed, maimed or orphaned by indiscriminate bombing; populations displaced, tortured or even wiped out by persons in authority exercising abusively the power in their hands.

As a consequence of the changed nature of conflicts, the ICRC's concern is now directed not only to international conflicts, but also to the ever more numerous and deadly non-international conflicts and to internal disturbances and tension. In addition, the increasingly ideological character of conflicts, guerrilla techniques, weapons of mass destruction, including poison gas, and the shift of focus of modern conflicts to the Third World have raised new problems for humanitarian action. Sweeping over people living in already very precarious conditions, such conflicts very quickly make it indispensable for essential goods, in particular food and medicines, to be brought in to ensure the victims' survival.

While it is first and foremost through direct action that the ICRC seeks to achieve its original aim, it is nevertheless aware that such action must go hand in hand with a constant process of reflection.

This process is first of all internal. Being unceasingly called upon to act in a wide variety of spheres—Red Cross and human rights, political detention, etc.—and unceasingly confronted with unfamiliar situations, the ICRC's policies must be coherent and

predictable. Its credibility and the confidence placed in it are at stake.

The process of reflection must also be pursued within the whole of the International Red Cross and Red Crescent Movement, which counted some 147 National Societies at the end of 1988. The Movement draws its strength from its unity, which must be maintained throughout the world beyond each country's borders, in respect for the seven fundamental principles it has adopted: humanity—impartiality—neutrality—independence—voluntary service—unity—universality.

The reflection generated by action has led the ICRC, throughout its history, to encourage governments to enact legislation in the field of international humanitarian law applicable to armed conflicts, in order to deal efficiently with the practical problems encountered in the field. The latest achievement in this domain was the adoption in 1977 of the Protocols additional to the Geneva Conventions.

While the reflection leading to legislation is a never-ending process, at present the ICRC is laying greater stress, first, on stricter observance by all parties engaged in armed conflicts of the rules in force and on the efforts that should be directed to that end by the entire international community; second, on the formal adoption by States of the 1977 Protocols (now ratified by about half the States, but not by certain great powers); and lastly, on disseminating knowledge of international humanitarian law among a great variety of circles and particularly among the armed forces. This is a duty which States must not neglect; otherwise the undertakings they have assumed in the realm of the law of war will remain a dead letter.

It is not indifference to the plight of victims of drought, floods or other natural disasters that prevents the ICRC from coming to their aid; rather is it because the ICRC considers that efficacy demands a distribution of duties and that its special function as a neutral organization can be exercised more usefully in the already vast domain of conflicts.

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

it to intervene in times of internal disturbances or tension.

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

## Legal bases

In law, the work of the ICRC is based upon the Geneva Conventions and their Additional Protocols, the Statutes of the International Red Cross and Red Crescent Movement, and the Resolutions adopted by International Conferences of the Red Cross and Red Crescent.

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

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

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

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

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

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