



## Humanitarian Action in Current Armed Conflicts: Opportunities and Obstacles

Remi Russbach, MD and Daniel Fink, PhD

In its 131 years of existence, the International Committee of the Red Cross (ICRC) has carried out humanitarian activities in all international armed conflicts and, since 1960, in an increasing number of internal conflicts. In the past 35 years, the ICRC increased its overall permanent staff from 200 to 1500 and its budget has now grown to more than 800 million Swiss Francs in 1993. Following a description of traditional and current conflict patterns and an outline of principles and conditions of humanitarian action, the limits of any humanitarian action are evaluated and analysed. Attention is thereby focused on fundamental issues of humanitarian actions in current armed conflicts. [M&GS 1994;188-199]

Continuous recourse to violence and armed conflict as a means of solving political and economic problems shows that the preventive measures adopted by the international community in the framework of the United Nations have failed to achieve their purpose.

The human tragedies brought about by violations of international humanitarian law - a body of law that has been endorsed by

most of the world's states<sup>1</sup> -- constitute a further failure. International humanitarian law is designed to set limits to the suffering caused by armed conflict by protecting the wounded, prisoners, and civilians. It is not yet adapted to all conflict situations, however, leaving most forms of civil strife outside its domain of application.<sup>2</sup> Moreover, the measures allowing for a monitoring of the application of international humanitarian law and the punishment of violations have

*At the time of publication RR was Chief Medical Officer of the ICRC. He is Vice President of the International Society of Disaster Medicine and founding member of the Geneva Foundation to Protect Health in War. \*\*At the time of publication DF was a staff scientist at the Swiss Academy of Humanities and Social Sciences and, as a delegate in the ICRC for seven years, had field experiences in the Israeli occupied territories, south Sudan, Senegal, and South Africa.*

© Copyright 1994 Medicine and Global Survival

1. In October 1994, 185 states had ratified or adhered to the 1949 Four Geneva Conventions; 135 and 125 states respectively had ratified or adhered to the 1977 Two Additional Protocols to the Geneva Conventions.

2. Whereas the Geneva Conventions and the First Additional Protocol cover situations of international armed conflict, including situations of territories under occupation, the Second Additional Protocol applies to situations of armed conflict "which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or

not been sufficiently developed or implemented.<sup>3</sup>

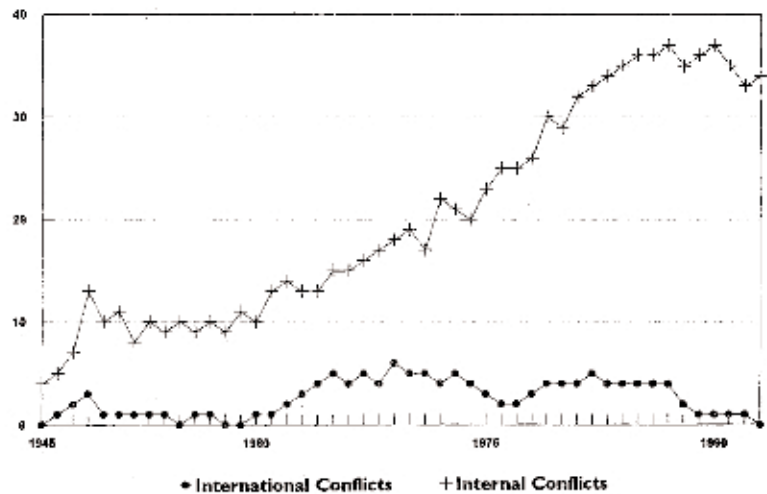
In numerous armed conflicts the conditions required for conducting humanitarian operations are not fulfilled; this constitutes yet another failure.<sup>4</sup> Indeed, if armed conflict could be limited to its rational and instrumental character and if humanitarian action were not subject to uncountable constraints, morbidity and mortality caused by war and civil strife could be significantly reduced.

The tragic plight of conflict victims, reported daily by the media, seems to indicate a sharp escalation of conflict and violence throughout the world. The collapse of the socialist bloc and the new strength of the UN, the nature of present-day conflicts, and their coverage by the media, have strongly influenced the possibilities of humanitarian action; the new configuration in which humanitarian actions are to be conducted reveals their inherent limits.

The purpose of this article is to focus on the characteristics, principles, and conditions of humanitarian action in current armed con-

other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol" (Art. 1). Most important is the additional Article 2, in which situations of internal disturbances and tensions are not considered armed conflicts as defined and do not, therefore, fall under the treaty. The number of conditions attached to the definition of an internal armed conflict and the limitation expressed in the Second Protocol are of utmost importance -- they are often taken up by governments to obstruct humanitarian action. In 1988, two legal proposals were made to regulate situations of internal disturbances and tensions (see *International Review of the Red Cross*, 1988; 262. See also *Declaration of Minimum Humanitarian Standards*, adopted by a meeting of experts in Turku, Abo, Finland, 30 November-2 December 1990. *International Review of the Red Cross*, 1991; 282: 330-336). For reasons of sovereignty and refusal of interference in internal matters, states are still reluctant to enter into any legal debate on these situations of humanitarian concern. (See also: Harroff-Tavel, M. *Action taken by the ICRC in situations of internal violence*. *International Review of the Red Cross*, 1993; 294:195-220; *Guiding principles on the right to humanitarian assistance*. *International Review of the Red Cross*, 1993; 297: 519- 525.)

3. The application of the Geneva Law is left to the states, which have several tasks to fulfill, such as teaching and spreading knowledge of this law, establishing national measures of application, and establishing a penal code of the most important violations. As the promoter of international humanitarian law, the ICRC has taken up the role of monitor in most armed



**Figure 1.** International and internal armed conflicts, 1945-1993 (Source: Alström, C., *Casualties of conflict*. Geneva: ICRC, 1991; SIPRI Yearbooks, 1991-1994; Oxford: Oxford University Press.)

licts in times of political change and vastly expanded media coverage. The article starts with a short description of the realities of

conflicts by sending its delegates to intervene on the spot and through diplomatic negotiations for the application of its provisions. The repression of breaches of the conventions of the protocols are regulated in several articles (esp. First Additional Protocol, Arts. 85 to 91 and Second Additional Protocol, Art. 6). The failures of states to punish violators of international humanitarian law have, in the case of Yugoslavia, led the international community to establish an international ad-hoc tribunal; Rwanda may become a similar case. Several humanitarian organizations, the ICRC included, call for the establishment of an international permanent penal court.

4. Table 1 lists the places where the ICRC is not working. This is not the failure of the ICRC. In all listed areas of conflict, the ICRC has undertaken to offer its services-without success. In several places the conditions to undertake the full range of ICRC activities are not given: in a conflict area, the medical work or the running of a prosthesis workshop should not prevent the ICRC from taking up activities in the field of detainees. But there are also complete rejections of its offers: Turkey refuses the dialogue to give the ICRC access to its battle zones in the Kurdish areas of the south east of the country. In Iran and in Algeria, the ICRC is still banned from undertaking its traditional work in prisons.

5. With the emergence of human rights advocacy campaigns in the West, the ICRC has progressively improved conditions to negotiate access to victims of internal conflicts, disturbances, and tensions. Visits to security prisoners in South Africa, Uruguay, or Greece, to take but a few well known examples, have taken place in this improved environment.

6. The ICRC has received official mandates under international law as a humanitarian

**Table 1. Wars and internal armed conflicts 1992/1994 and ICRC presence and activities in mid-1993**

| Region/State               | ICRC Expatriate Staff | Local Staff | Main Activity                         |
|----------------------------|-----------------------|-------------|---------------------------------------|
| <b>Europe</b>              |                       |             |                                       |
| Former Yugoslavia          | 214                   | 762         | All: esp. relief/detention activities |
| Turkey                     | none                  |             |                                       |
| <b>Ex-Soviet Union</b>     |                       |             |                                       |
| Nagorno-Karabakh           | 17                    | 50          | relief/detention                      |
| Tajikistan                 | 15                    | 26          | relief                                |
| <b>Americas</b>            |                       |             |                                       |
| Colombia                   | 15                    | 30          | protection/relief                     |
| Guatemala                  | 3                     | 15          | detention                             |
| Peru                       | 38                    | 53          | protection/relief                     |
| <b>Africa</b>              |                       |             |                                       |
| Angola                     | 11                    | 32          | relief                                |
| Rwanda-Burundi             | 30                    | 82          | relief/dissemination                  |
| Chad                       | none                  |             |                                       |
| Ethiopia                   | 27                    | 100         | detention/relief                      |
| Liberia                    | 6                     | 39          | relief/dissemination                  |
| Mozambique                 | 50                    | 255         | relief/tracing agency                 |
| Somalia                    | 48                    | 549         | relief/water/medical                  |
| South Africa               | 28                    | 40          | detention/relief                      |
| Sudan                      | 71                    | 491         | medical/relief                        |
| Western Sahara             | none                  |             | occasional activities                 |
| (Ivory Coast               | 7                     | 23          | relief)                               |
| (Zaire                     | 9                     | 21          | dissemination)                        |
| <b>Middle East</b>         |                       |             |                                       |
| Iraq (Incl. Kurdish areas) | 11                    | 70          | relief/detention                      |
| Iraq (Shiites)             | none                  |             |                                       |
| Israel-Occupied Territory  | 31                    | 70          | observation GVA Conv /detention       |
| Lebanon                    | 8                     | 52          | observation GVA Conv /detention       |
| <b>Asia</b>                |                       |             |                                       |
| Afghanistan                | 29                    | 309         | medical/relief/detention              |
| India (Punjab)             | none                  |             |                                       |
| Jammu-Kashmir              | none                  |             |                                       |
| Sri Lanka                  | 39                    | 238         | protection/detention                  |
| (Pakistan                  | 20                    | 516         | medical/relief)                       |
| <b>Far East</b>            |                       |             |                                       |
| Myanmar                    | 2                     | 14          | prosthesis workshop                   |
| Cambodia                   | 48                    | 210         | medical/relief/detention              |
| (Indonesia (East Timor)    | 6                     | 32          | water engineering)                    |
| (China/Tibet               | none)                 |             |                                       |

Furthermore, the ICRC maintains regional delegations that occasionally have operational activities; they cover several countries and are located in: Hong Kong, Managua, New Delhi, Bangkok, Moscow, Cairo, Riyadh, Nairobi, Harare, Lagos, Douala, Dakar, Tunis, Buenos Aires, Brazilia, San Jose, New York. List extracted from: Colijn K. et al. PLOOM working paper 1. Wars, low-intensity conflicts and serious disputes. *Isis*, NL Summer 1993. The countries listed are those with 1,000 and more conflict-related cumulative casualty figures. (In brackets cases added by the authors.)

conflict in the recent past, compared to those of the present day.

### The Experience of the ICRC

In its 131 years of existence, the ICRC has been active in nearly all international armed conflicts and, since 1960, in an increasing number of situations of armed conflicts that do not cross international borders. Using the criterion of 1,000 deaths per year, the world has seen 105 armed conflicts from 1945 until 1991, a great many of which have lasted several years. Figure 1 shows the evolution of

organization with specific tasks. In international armed conflicts it may carry out unrestricted visits to prisoners of war and civilian internees. It may conduct and coordinate tracing work and take up representations for humanitarian issues. With regard to internal conflicts, the ICRC may offer its services (Art. 3 common to the four Geneva Conventions). See also the Statutes of the International Red Cross and Red Crescent Movement and those of the ICRC.

frequencies of international and internal armed conflicts.

Since the 1960s, the ICRC has become more active in situations of internal disturbances and tensions.<sup>5</sup> There has thus been an overall increased ICRC presence, first in those settings where it is mandated to be and, second, in those settings where its role is seen as useful or necessary.<sup>6</sup> Since the 1970s, this activity has seen a further sharp increase.

For all major conflict areas in 1992/93, defined by more than 1,000 deaths in a year or by their international character, Table 1 provides figures for the presence of expatriate staff of the ICRC and indicates their main activities. Additional places where the ICRC has a more diplomatic presence are also listed.

For a full interpretation of this table it is necessary to stress that humanitarian activities related to conflicts do not end with the cessation of hostilities. As shown by the wars in Cyprus and in Vietnam, the Iran-Iraq War, and the Gulf War, humanitarian issues concerning those missing in action and the return of refugees or prisoners of war are dealt with long after the end of active hostilities. These issues require continuous work of tracing services such as the International Tracing Service at the ICRC or the protection department of UNHCR.

### An Increasing Level of Humanitarian Activity

Data on the number of permanent staff deployed in the world and on funding of activities are good indicators for the development of the ICRC's humanitarian activities over the longer term. Figure 2 shows the evolution of staff starting in 1951 in fully paid positions for the ICRC. From 1986 there were also increased numbers of full time positions in the field whereas, in the previous period, delegates were recruited more often on a temporary basis. The number of field staff has rapidly increased while the headquarters staff, in an effort to curb bureaucracy, has been maintained at a constant level.

Figure 3 demonstrates the continuously increasing need for funding. Whereas expenditures for relief work doubled in the last three years compared with the previous years -- the major events being the Gulf War, the Somalia famine operation, and the Yugoslav conflict -- the headquarters budget was maintained at a stable level. The graphs suggest strong relationships between conflict frequencies, humanitarian needs and responses, and the development of funding of humanitarian organizations with a worldwide presence, such as the ICRC.

### The Reality of Human Needs



With regard to the victims, the number of dead is but one aspect of the reality of the front -- another is the number of injured people, whether armed participants or unarmed civilians. Generally speaking, one multiplies the death figures by three to arrive at an indication of the number of wounded. A third aspect -- seldom statistically scrutinized -- is the so-called hidden mortality of the civilian population due to lack of basic items for survival, leading to malnutrition and infectious diseases. Often medical and social services are incapable of coping with such increases in human needs; commonly the medical supply system comes under stress or breaks down. The same may be said of the agricultural infrastructure and other means of production to cover essential needs.

To provide a full interpretation of this multilayered reality, much further analysis would be necessary: indicators such as the refinement of needs assessments, access to victims, the extension of the response capacity, and the evolution of relief programs, need to be empirically established and studied. Humanitarian organizations seldom take up such analytic issues, essentially because the task of providing relief to victims mobilizes all available resources [1].<sup>7</sup>

### Current Conflict Patterns and New Challenges

For most of its history, the ICRC was confronted with interstate war -- i.e., armed confrontations between the military forces of two or more states. Traditionally, the ICRC's humanitarian activities were directed toward the wounded on circumscribed fields of battle and toward prisoners of war. At the end of World War II, building on previous convictions and recent experience, the Geneva Conventions were redrafted, extended, and adopted in a diplomatic conference in 1949.

Changes in conflict patterns and the resultant humanitarian situations began in 1945. Europe experienced a period of absence of armed conflict, while regional wars multiplied at the periphery. Under the impact of the blocs formed as the Cold War evolved, the parties to the conflicts were ideologically aligned, militarily supported, and often well organized. Liberation or guerrilla wars and other types of insurrections escaped the new definition of an international armed conflict. Thus, at the very moment of their revision and adoption in 1949, the rules of humanitar-

7. The need to conduct studies on humanitarian operations was the reason to create the "Geneva Foundation to Protect Health in War", founded by R. Russbach jointly with the ICRC and the Geneva University in 1994.

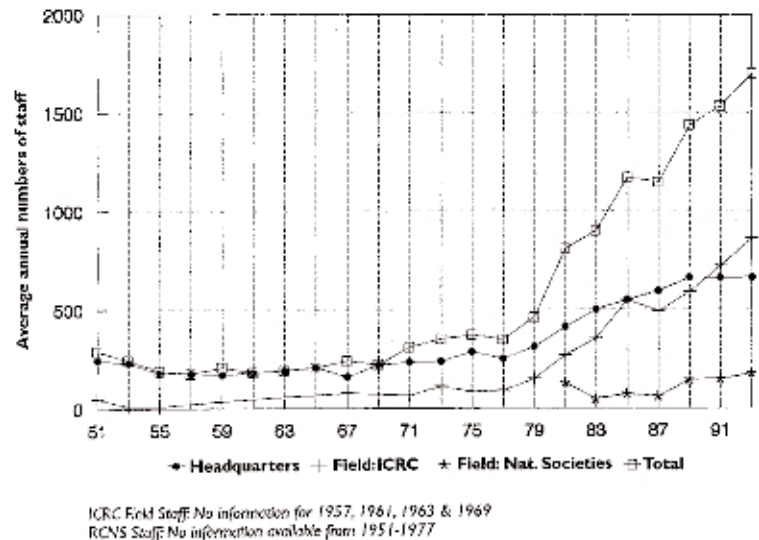


Figure 2. Evolution of the ICRC permanent staff. (Source: ICRC Human Resources Department.)

ian law did not seem fully adequate to cover the new types of humanitarian situations created by struggles against colonialism and for self-determination.

In addition to the ICRC, new organizations founded during World War II became active in the field of international humanitarian action [2]. Their services were solicited more frequently, and these organizations reached out and took up an increased variety of activities. The new experiences of delegates provided the ICRC with the means to elaborate further rules for humanitarian situations. In the medical field, the ICRC was strongly supported by contributions of the International Committee of Military Medicine. These new rules were drafted in

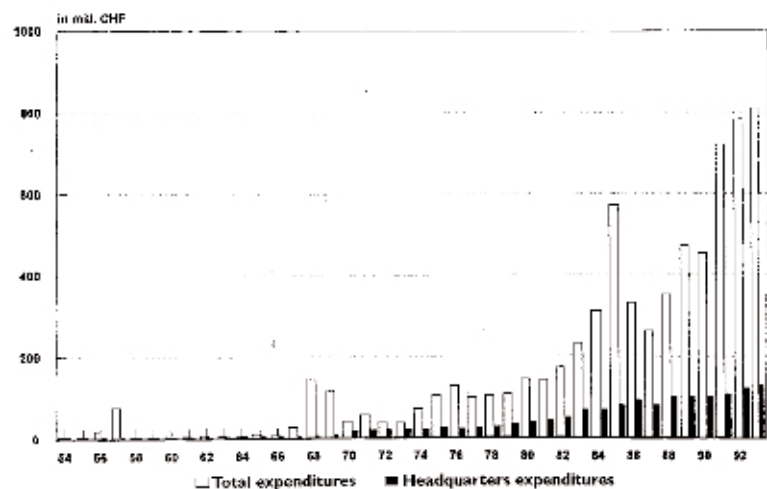


Figure 3. Value of cash, goods, and services provided by humanitarian organizations. (Source: ICRC Annual Reports, 1954-1993.)

the form of two Additional Protocols to the Geneva Convention and were adopted in 1977 in a diplomatic conference in Geneva.

From the early 1970s, the ICRC extended its activities further. Along with traditional activities such as visits to prisoners of war and civilian internees, tracing work, and basic medical and relief operations, ICRC delegates started to engage in other activities, such as visiting security detainees, fixing prostheses, and building wells. For the medical department of the ICRC, the objective of its activities was to integrate them into a comprehensive public health approach to protect the health of war victims [3].

The end of the Cold War has both decreased and increased the contemporary conflict potential. The conflicts fueled by the opposition of East and West have lessened. This has been the case in Central America, Afghanistan, Angola, Ethiopia, Mozambique, Somalia, and South Africa. Some conflicts, however, have changed in character, becoming internal conflicts for the redistribution of power and resources. State structures collapsed, armed forces regrouped under the control of warlords and sometimes engaged in banditry. Afghanistan and Somalia are cases in point. New areas of conflict emerged, for example, in Liberia, Burundi, and Rwanda. Other conflicts resurfaced after repressive and strongly centralized regimes were brushed aside: in the Caucasus and in former Yugoslavia, old deep-seated animosities repressed by a strong state were given free rein. Ethnicity has replaced ideology as the main factor of conflict. In all the above, access to arms and sophisticated weaponry has been made extremely easy, due to the redistribution of arms stocks from the period of the Cold War. Despite the absence of reliable surveys or time series, there is a widespread conviction among humanitarian organizations that the brutality and the level of violence that accompany ongoing armed conflicts are now showing an upward trend. Reports on violations and on serious and repeated breaches of international humanitarian law have become too numerous to count. The rise in the savagery of current armed conflicts led the ICRC to ask the Swiss government to organize the International Conference for the Protection of War Victims, which was held in Geneva in August 1993 [4,5]

### **New Actors Drive Humanitarian Policies**

The media, the "humanitarian state," and the UN with its contingents and agencies are three actors that have drastically changed the symbolic and political parameters of humanitarian action.

### ***The Power of the Media***

The increasing presence of the media -- especially TV crews -- in conflict areas has been strongly reinforced by the collapse of the socialist bloc and by an increased competition for international media coverage of political events. The first trend is linked to a much more unified reporting of conflicts, notably because all actors in conflict areas have learned quickly to make use of the media in a new international public opinion environment. The second trend is important as an explanation of the "push factor" created by media functioning as political and entertainment industries, as well as by the competition among reporters making their careers, at least partially, by covering "sensational" events. Pull and push factors have exercised their effects at the same moment, so that information on humanitarian situations and relief operations has led the international news hours and world report segments of the major, if not all, TV networks, radio stations, and newspapers.

This does imply, however, that all humanitarian crises have been covered in the same way. There is ample evidence that the hierarchy of humanitarian causes does not correspond to the hierarchy of media coverage. The latter hierarchy responds to the audience preoccupations of the major TV networks rather than to a philanthropic logic.

### ***State Intervention for Humanitarian Goals***

The end of the Cold War has seen the emergence of states as actors in humanitarian operations. Based on proposals advanced by the former French President of *Medecin du Monde* and, later, by the Secretary of State for humanitarian action, Bernard Kouchner, France proposed in the UN General Assembly that a "right of interference" be established. According to Kouchner, humanitarian organizations were not sufficiently armed to respond to a major humanitarian crisis; they could not oppose states that mounted obstacles to their work; and they were too weak to intervene on grounds of human rights violations. Therefore, France proposed, states should be entitled to act. This conception only emerged, however, following a development that provided humanitarian organizations with new means to justify and undertake their activities. On 8 December 1988 the General Assembly adopted resolution 43-131 on "Humanitarian assistance to victims of natural disasters and similar emergency situations." Although "natural disasters" were put in the foreground, this resolution, as well as two further General Assembly resolutions adopted in 1990 and 1991, were intended to

apply to war situations.

Security Council Resolution 688, concerning the Kurdish population in Iraq and passed on 5 April 1991, has been decisive. This resolution established a link between humanitarian assistance to peoples in distress and respect for human rights and the maintenance of international peace and security. Respecting the sovereignty of Iraq, the Resolution called on the state to allow immediate access by international humanitarian organizations to all those in need of assistance. The size of the mass exodus from Kurdistan and the incapacity of aid organizations to respond immediately to all needs, linked to voluminous media coverage, seemed to make a military-type operation with a humanitarian objective inevitable. "Operation Provide Comfort" has been an instance of a state operation, defined by some as "military humanitarianism" [6]; "Restore Hope" in Somalia was supposed to be a second such operation. Characteristic of both has been the combination of a military operation with a humanitarian objective, in the first case mounted from outside, in the second implemented within the borders of a country.

The recent Rwanda-Zaire border operation of the French armed forces has provided a new example of such an action; the intervention of the U.S. armed forces in Haiti still another. Humanitarian organizations, including the ICRC, have been very critical of those operations on the ground that they blurred the military aspect, which could always have become dominant, as Somalia has shown. The danger for humanitarians is that their operations may become perceived as being politicized or militarized whereas the universally accepted principles of operational humanitarian conduct are impartiality, independence, and neutrality.

Since the end of the Cold War, the UN has, in fact, become the main actor in conflict situations second only to the warring parties. Since 1989, the UN has launched 13 operations of its international forces -- as many as in the preceding 40 years. Whereas before 1989, UN forces were deployed in order to stabilize a ceasefire, they now take up an increasing number of functions and roles in times of conflict and in the aftermath of a conflict. Next to traditional peace-keeping efforts, UN contingents undertake to support humanitarian actions and to carry out peace-making and peace-building. Central to the progressively increased involvement of UN troops and agencies in humanitarian crises has been the question of the interrelationships between the military and the political and humanitarian components of UN operations, and their infringement on the work of

humanitarian organizations, especially that of the ICRC as mandated by the Geneva Conventions.

Many, if not all, recent state interventions or UN operations have been criticized by humanitarian organizations on the grounds that they blurred the particularity of the humanitarian action. In the face of intolerable situations reported by the media and the pressure exerted by international public opinion, governments have often been at a loss as to what course to adopt. In almost all conflicts, states waited until faced with a major humanitarian crisis before taking up action of their own. Pressures exercised on former allies from the bipolar world seldom worked out. Embargoes and sanctions -- double-edged weapons that hurt the people more than the leaders at whom they are directed -- have had a questionable effectiveness.

The imposition of political solutions has failed almost everywhere. On the one hand, no state or state-alliance has seemed ready to take up the role of world police, except in situations in which vital interests have been at stake, as in the Gulf War.<sup>8</sup> On the other hand, no state has agreed to make permanent armed forces available to the UN Security Council in order to increase its power to deter and its capacity to intervene. In 1991, the ICRC commented on this development before the UN General Assembly:

Humanitarian aid deals only with the acute symptoms of crises: while ensuring that it has the resources required for operational effectiveness in the field, and while facilitating its provision through the necessary authorizations, States cannot rely exclusively on emergency humanitarian action. A global approach to the problems at the level of their causes is essential, and this falls within the competence of Governments [7,8].

## Humanitarian Action

The following section considers the characteristics and limits of any humanitarian action by questioning the fundamental conditions that are required prior to its

---

8. For more details on the ICRC analysis of the relationships between political, military, and humanitarian issues in recent conflicts, see: ICRC statements at the United Nations General Assembly from 1991 regarding the agenda item: Strengthening of the coordination of humanitarian emergency assistance of the United Nations. See also: [5] for an account of the humanitarian action in the midst of the military intervention led by the Allied forces and the multiple UN operations in and after the Gulf War; and Mercier M., *Crimes sans chatiment*. Bruxelles: Bruyant. 1993 (*Crimes without punishment: the humanitarian action in former Yugoslavia, 1991-1993.*)



implementation and the principles that guide its execution. Dictionary definitions of "humanitarian" generally refer to the promotion of human welfare as a philanthropic activity. Never is the specific role of humanitarian organizations in armed conflicts mentioned. The absence of an appropriate definition of humanitarian action in dictionaries calls for a clarification of the characteristics of humanitarian action as they have emerged and taken shape in history.

### *Characteristics of a Humanitarian Action*

International humanitarian operations are conducted in conflict zones, with the purpose of protecting and assisting victims of conflict and alleviating their suffering. Such actions differ in nature from those carried out by self-help organizations on the spot, or from those taking the form of campaigns for human rights.

The characteristics of humanitarian action are :

1. Helping individuals or groups who are suffering physical or mental distress due to armed conflict or political violence, wherever the solidarity network within their own communities cannot provide them with adequate protection or assistance. Humanitarian action fills a gap by covering needs that cannot otherwise be met on the spot.
2. Focusing, in the event of armed conflict, on the most vulnerable individuals or groups who are either at the mercy of the enemy or threatened by those supposed to protect them.
3. Defending the individual in all respects, not just by saving lives and alleviating suffering, but also by safeguarding the dignity of those in need.
4. Starting from a state of urgency, but continuing until a longer-term solution has been found and the local civil society reconstituted.
5. Acting from a special motivation, a certain degree of spontaneity, and a feeling of human solidarity.

### *Conditions Required for Humanitarian Action*

Humanitarian action can only be carried out if four basic conditions are met:

1. Access to victims of armed conflict: This is not only a condition for protecting victims and for distributing relief goods, but it is a prerequisite for

making an initial assessment of the survival conditions and vital needs. The diversity of living conditions, the variety of conflict patterns, the multitude of needs, and the selective approach to respond to the most urgent needs first, make such a needs assessment a fundamental requirement for any humanitarian action. Despite a continuously improved news flow, reports from journalists can never replace assessments carried out by professionals using operational criteria, whether related to the nutritional condition of people, or the supply of medicine, or the status of detainees, or violations of international humanitarian law.

2. Dialogue with authorities: The ICRC's representatives, called delegates, carry out their activities according to international mandate. These activities are always precisely defined by an agreement with the parties to a conflict, the terms of which are, however, always negotiated unilaterally. These agreements often specify the types of relations the ICRC delegation maintains with different levels of the political groupings, the administrations, and the armed and police forces. Dialogue with authorities is essential not only to maintain access to those under their control, but in order to protect individuals against misconduct by the armed forces, prison or camp authorities, and all types of special forces. The ICRC does not call on international public opinion, but bases its work on this dialogue, especially when concerned with practices at detention facilities and other indicators of a state's respect of international humanitarian law.

3. Control over the whole chain of the humanitarian action: Only on this condition may humanitarian aid reach the victims identified by the initial assessment. Only on this condition may an organization prevent goods from being diverted to belligerents for their own purposes. A humanitarian action suspected of supporting the enemy's war efforts is likely to become a military target and will most likely be suspended as a result.

4. Resources available where required: Experienced personnel, logistic and administrative infrastruc-

tures, stocks of basic necessities, funds, and communication materials must be organized into logistically appropriate phases and locations. One of the major problems for humanitarian organizations is to make optimal use of all available resources and to be able to move them from one operational scene to another.

### *Working Procedures*

Humanitarian actions are conducted on the basis of an initial assessment of needs by specially trained staff and are planned according to precise objectives and with regard to the available resources. Priorities are set with a view to reducing the morbidity and mortality among high-risk groups as rapidly as possible. Actions must also be defined to take account of human and emotional factors, such as maintenance of contact between family members or the presence of non-partisan persons in a hostile environment. Both medium- and long term solutions must be provided for at the beginning of each operation and an overall evaluation must be carried out upon its completion.

This general public health approach was developed in the 1980s and has since proved its worth. It also includes complementary activities in nutrition, sanitation, and logistics. The effort to rationalize humanitarian work must not, however, lead to a purely technical and material approach. The human aspect is paramount. A satisfactory balance must be found between a rational approach to humanitarian action and respect for human dignity if relief and protection activities are to maintain their human dimension.

Practical activities conducted in the field must be accompanied by measures aimed at preventing human suffering and humanitarian tragedies. These measures have been defined in the 1949 Geneva Conventions and the two Additional Protocols of 1977. These international treaties restrict the belligerents' latitude to target the civilian population or to use weapons having indiscriminate effects or considered to be excessively injurious. Although it is difficult to assess the impact of preventive measures based on dialogue and negotiation with armed forces, belligerents, and wielders of power, and although recent years have shown constant violations of the established rules, there are reasons to believe that the full implementation of these measures would make a difference.

These preventive measures include the obligation of states to spread knowledge about the basic rules of international humanitarian law to their armed forces in peacetime and to punish violations of these rules in

times of conflict.<sup>9</sup> The ICRC, on its side, carries out campaigns to create awareness about these rules; it enters into agreements with states to teach those rules to officers in charge of spreading knowledge, as well as to the troops directly. In the light of conflicts in former Yugoslavia, Liberia, and Rwanda, to take but three cases, it is difficult to assess the impact of these teachings; it remains true, nevertheless, that they constitute the bottom line of human conduct in situations of armed conflict. There is but one lesson to be learned from these experiences: to work for the application and the respect of humanitarian rules by armed forces, of whatever camp, and to spread further knowledge about these rules [9,10].

### **Manipulation of Humanitarian Aid**

A humanitarian organization such as the ICRC has a high degree of awareness of the sensitive character of all aspects of humanitarian actions that might be manipulated by belligerents and by other actors in conflict situations.

Public information is always in danger of becoming manipulated. Even the choice of concepts is of the utmost importance: to speak of an "internal conflict" instead of "internal disturbances" reveals distinctions that are often at the very heart of a conflict. Publicising casualty-related figures, statistics on injured and displaced people, or on physical damages not only provides information on the plight of the victims, but also provides data that are always part of strategic calculations, whether those of belligerents or outside observers. The parties to a conflict, the winning side as well as the losing one, may have an interest in concealing problems and issues that enter into local or international public debate [11].

Initial assessments and the need for unbiased information to plan for operations can also fall prey to manipulation. Parties to a conflict may have an interest in overstating the plight of the victims under their control, in order to accuse and vilify the enemy. This stratagem has been a major issue in all assessments in countries under UN embargoes and international economic sanctions: in Iraq, in Serbia-Montenegro, and in Haiti, to name but a few recent cases. Even where a humanitarian organization may have full control over

---

9. See especially First Geneva Convention, Chapter VIII, "Execution of the Convention" and Chapter IX, "Repression of abuses and infractions"; Second GC, Chapter VII and Chapter VIII; Third GC, Part VI, First Section; Fourth GC, Part IV; First Additional Protocol to the GC, Part V; Second AP to the GC, Part V.



the conditions of conducting an assessment, a sophisticated methodology, and undisputed inquiry techniques (requirements which are hardly ever met) the results still give rise to interpretation and debate about the most effective policies to improve the plight of the victims of sanctions.<sup>10</sup>

The handling and implementation of relief operations is another area of concern. Initial authorizations to provide impartial aid may be made conditional upon some part of the aid being used to strengthen the parties in control of an area, a condition which brings any ICRC conducted relief operation to an immediate halt. Accusations of biases in relief programs (of partiality towards one party together with accusations of support for the enemy) are other major issues of partisan manipulation of relief efforts. In Angola this has been one of the major stumbling blocks for the smooth running of aid operations. In the current conflict in the former Yugoslavia, Bosnian Serbs have disputed, and often still dispute, every convoy that passes through their territory to supply Croat or Muslim enclaves with relief goods [10].

A last issue is the outcome of those discussed above. A highly politicized and media-saturated environment, in which continuous accusations of misconduct and attempts to manipulate relief efforts are made, does not promote good conditions for carrying out a humanitarian action. This charged context may even exacerbate the crisis, creating major obstacles to the execution of aid programmes by undermining the relationship of trust that organizations must enjoy in order to be effective.

### **Limits to Humanitarian Action**

Just as there have been few armed conflicts where humanitarian organizations (and especially the ICRC) could not conduct their activities, there have also been few situations in which humanitarian actions have not been obstructed in some way or another. More important, however, is the fact that several conflict areas have gone out of control because the security conditions have fallen below a minimum threshold. In an environment where security could not be ensured, relief operations were no longer possible.

There are many ways in which the implementation of a humanitarian action may be impeded:

1. *Denial of access:* In the rare international armed conflicts of the last decades, the

ICRC has, generally speaking, been given access to the victims, especially to prisoners of war and civilian internees. It could also carry out tracing activities. These were mandatory activities. Recently this was the case in the Gulf War, in the Iran-Iraq war, and in the war between Israel and the Arab states, to mention but a few cases. As is shown in Table 1, some states engaged in internal armed conflicts, or in situations of disturbances and tensions, have been or are still reluctant to give the ICRC access to victims. The ICRC is still denied access to such victims in China, in Myanmar, in Turkey, in Iran, in Egypt, and in Algeria, to name only the most important cases [12]. If one considers the number of states in which the ICRC conducts its activities, such rejections of its offers of services are relatively rare, but remain significant.

A favourable response in principle does not, however, mean that there are no constraints in the practical implementation of a humanitarian action. Unnecessary administrative formalities, for example in authoritarian regimes of the Middle East or elsewhere, may hinder the smooth running of the work; "no go" areas may be intermittently declared on grounds that they are not safe or that military operations are said to be ongoing. Only continued humanitarian dialogue may break the deadlocks that ensue.

2. *Absence of dialogue:* A humanitarian action becomes irrelevant on the spot when there is no dialogue with all levels of authority. Despite the fact that humanitarian work may be carried out in the field or in prisons, and despite the fact that this work may have some impact, there are always larger issues to be taken up at progressively higher gubernatorial levels. Refusals of meetings, unfruitful discussions, rejections of recommendations, challenges to the quality of the work of delegates, ongoing disagreements on the implementation of recommendations -- all these are stratagems of state officials to block the dialogue. There is no better case to illustrate all these stratagems than the conflict in the former Yugoslavia [10]. For an organization such as the ICRC, practical achievements are the objective: i.e., the improvement of the conditions of the victims. When no improvement is possible because of the intractable failure of dialogue the ICRC is then moved to call on the diplomatic community and, finally, on international public opinion.

For humanitarian organizations such as the ICRC, problematic situations of still greater importance arise when a belligerent pursues policies that run counter to the principles of international humanitarian law. Instances are large-scale massacres or forced

---

10. For the case of Iraq, see especially [5]. The author discusses retrospectively all assessments made by the UN, the ICRC, and other humanitarian or academic groups in the first year of the post-conflict period.

displacements of populations. In cases of the first type, the international community has shown little capacity to deal effectively. Rwanda is only the latest example of non intervention persisting when tens of thousands of people were in danger. In the case of mass displacement, humanitarian organizations are placed in a terrible quandary. In 1985, for example, the often forced displacements of populations from the desert areas north of Ethiopia to the agricultural south gave rise to an important debate among humanitarian organizations: were they to act at once against the application of force and against brutal behaviour by those in charge of carrying out this policy, or were they to leave the country and denounce the policy as unacceptable?

These issues have again been discussed in the case of ethnic cleansing in the former Yugoslavia. The parties not only seek territorial gains but do not tolerate coexistence with ethnic or religious minorities. To pursue such an objective runs counter to international humanitarian law, which is designed to protect the civilian population even in the event of occupation. Here the civilian population has become the very focal point of the conflict -- threatened, terrorized, and suffering destruction and forcible displacement.

The head of the legal department of the ICRC said in 1993:

"The pursuit of such political goals creates humanitarian problems of such magnitude that it is far beyond the capacity of the humanitarian organizations alone to solve them. What can they do to counter the systematic harassment of entire populations?...The course taken by the conflict in former Yugoslavia reveals an erosion of fundamental humanitarian values....It is out of the question for the ICRC to compromise on elemental values under the pretext that, since they are being contested, the workings of the law itself are cast in doubt" [9].

He went on to propose reinforcement of international humanitarian law by the Security Council, by UN contingents, and by the international community.

3. *Lack of security*: Agreements on access to victims also regulate access to combat zones and include, therefore, security procedures. Due to the changing nature of conflicts, those agreements may need to be redrafted rapidly. They must not, however, alter the content of the delegates' work. In order to have some value, those agreements presuppose well organized armed forces and

clear command lines.

In all recent conflicts -- whether in the former Yugoslavia, in Somalia, in Liberia, in the Caucasus, or in Rwanda -- the working conditions for all expatriates of humanitarian organizations, not to mention local staff, have been dramatically altered. Before 1989, threats and attacks on staff of humanitarian organizations were rare; an incident was considered both a dramatic event and an accident. An action was stopped, reasons conducive to the "accident" were investigated, and conditions of redeployment were negotiated. During the last five years, however, there has been no conflict in which humanitarian workers have not been massively harassed, menaced, prevented from working, attacked, robbed, injured, and even killed. The ICRC has lost staff members and counted numerous injured expatriates in all the above-mentioned conflict areas. It has lost a great number of locally recruited employees and employees of National Red Cross Societies working in close cooperation with the ICRC: e.g. more than 30 in Somalia and the same number in Rwanda have been killed in the line of duty.

The escalation of conflict can render a humanitarian action dangerous or even impossible. In Somalia, in 1991, the security situation had already spun out of control several times and the ICRC delegation had often been closed and then reopened after negotiations with the local leaders had allowed for new security arrangements. In December 1991 the delegate-general for Africa of the ICRC commented:

Today in the Somali capital, a few dozen nurses, relief workers and surgeons of the ICRC, International Medical Corps, Medecins sans Frontieres and other small agencies work alone, wading in blood and battling against death and fear. Sometimes they lose their lives, as did our Belgian Red Cross colleague, Wim van Boxelaere, and Mohamed Ali Barre.

...The humanitarian agencies toiling bravely in Somalia are the last conduit for compassion. Even their small efforts, a drop in the bucket of overwhelming need, are at risk. Conditions in Mogadishu grow worse daily. The UN and its specialized agencies have been conspicuously absent, given the security risks involved....The Somali people wait for an end to their ordeal. Even the small gestures of humanitarian agencies are doomed if their aid is not backed up by serious political efforts to end the conflict. These efforts must be undertaken urgently by the

international community, to stop the senseless carnage.

This was written at a time when ICRC delegates and relief workers from other agencies in the field were confronted with famine victims growing fast in number and with a security situation sliding out of control. To counter the insecurity, the ICRC took recourse to multi-ethnic groups of armed protectors for its convoys and warehouses (the so-called "technicals") for the first time in its history. After a year-long period of give and take, as the "technicals" tried to become the dominant players in the game, the ICRC backed out, after having handed over its share of the relief operation to the UN and its relief agencies. By mid 1994, the security situation had again deteriorated so badly that even the traditional ICRC activities were no longer carried out from Mogadishu, but through short field trips from Nairobi.

Numerous similar examples could be described (Afghanistan, Angola, Liberia, Rwanda, and Yugoslavia) in which the security situation of relief personnel, at times, and in certain areas, has been very precarious. In its newsletter dated 28 April 1994, the ICRC reported that it was impossible to carry out humanitarian work in Rwanda. Except for some medical work and some relief operations in Kigali, the delegates could not move outside the city borders. Despite the observation of enormous needs, the degree of violence was such that it was impossible to organize a large-scale relief operation. Massacres were being perpetrated in front of the delegates' eyes. Even though the delegates were spared, they were unable to intervene; many had to leave the conflict areas. Psychologically stressed, they were forced to leave the country. In calls made a month later to the international community and the media, the ICRC could only speak of saving the survivors. One month later, the refugee flow was noted by the international community.

Rwanda has been a case in which the carnage has made any humanitarian action seem senseless. A few delegates stayed to carry out relief and medical actions that seemed like "a drop in an ocean of horror." As the only organization with delegates who were witnessing the ongoing events while still unharmed, the ICRC decided to stay on even though its delegates were frequently reduced to doing nothing more than informing the international community about the levels of suffering taking place.

4. *Lack of material and financial resources:* Insufficient resources may also hamper the smooth running of a humanitarian action. This may be the case in conflicts not covered

by the media and not considered by governments that sponsor the humanitarian work of the ICRC. Until now, the absence of resources has seldom been a major problem for the ICRC. Nevertheless, due to the fact that more and more funds are being earmarked, the danger could arise that funds prove unavailable for a "forgotten conflict."

## Conclusions

More than ever before, improving the situation of victims of armed conflicts remains an issue of concern to the ICRC and other humanitarian organizations. Despite greater knowledge about the mechanism of conflicts and the politics of humanitarian actions, considerable strides must be made if we wish to alleviate the ordeal of victims in all current civil wars.

Additional measures are required to embed those described above in a global policy and strategy. They are: \* prevention of armed conflicts; \* development of international humanitarian law restricting the use of violence in times of war; \* monitoring the application of those rules; \* prosecution of violations and breaches of those rules; \* strengthening the humanitarian response capacity

Whereas major efforts are still required to create proper conditions for, and to improve the efficiency of, humanitarian agencies, it must be remembered that humanitarian aid in armed conflicts will always remain a palliative and limited measure. Due to the constraints inherent in any conflict situation, relief efforts will never succeed in meeting all the needs of victims.

Governments and political leaders have to recognize the limits inherent in humanitarian action. In light of the most recent experiences, they have to take stock of the fact that humanitarian action does not provide the solutions to conflicts. Governments need to focus their efforts on prevention. And, in the many instances where prevention fails, governments must also be responsible for creating conditions required for the implementation of humanitarian actions, using political and, in the last resort, even military means.

If a humanitarian action is to succeed in reaching all victims, it must be acceptable to those who have the means to undermine it. Political and military operations, conducted by governments or by the UN, have different objectives than humanitarian actions and they use different means of implementation. If the two types of actions are kept separate, their complementary nature will prove effective for the improvement of the fate of victims. 🐾



## References

1. Fink D. New directions in research on forced migration: the ICRC's approach. Conference at the International Review and Advisory Panel Session, Refugee Studies Programme, Oxford University. Oxford. Jan. 8, 1994.
2. Rufin J-C. *Le piège humanitaire*. Paris: Lattes. 1986. See also: Loescher G. *Beyond charity*. Oxford: Oxford University Press. 1993.
3. ICRC. Health in war and medical activities in times of conflict. *International Review of the Red Cross*. 1991;284:Sept.-Oct.
4. ICRC. Respect for international humanitarian law, ICRC review of five years of activity (1987-1991). Geneva: ICRC. 1991.
5. ICRC. Report on the protection of war victims. Prepared in advance of international conference for the protection of war victims. Geneva: ICRC. 1993; and Sommaruga C. Introductory remarks to the presentation of the annual report 1993, May 1994, Geneva: ICRC. 1994.
6. Girod C. *Tempete sur le desert*. Bruxelles: Bruylant. 1995.
7. ICRC. Statement to the UN General Assembly, 46th session, 5 November 1991, Agenda item 143: Strengthening of the coordination of humanitarian emergency assistance of the UN. New York: United Nations. 1991.
8. Boutros-Ghali B. *An agenda for peace*. New York: United Nations. 1992.
9. Sandoz Y. A consideration of the implementation of international humanitarian law and the role of the International Committee of the Red Cross in the former Yugoslavia. Geneva: ICRC. 1993. \ 10. Mercier M. *Crimes sans chatiment*. Bruxelles: Bruyant. 1993 (Crimes without punishment: the humanitarian action in former Yugoslavia, 1991-1993.)
11. Heidenreich JG. The Gulf War: How many Iraqis died? *Foreign Policy*. 1993;90: 108-125.
12. ICRC. 1993 Annual Report. Geneva: ICRC. 1994.