FROM SAIGON TO HO CHI MINH CITY

THE ICRC’S WORK AND TRANSFORMATION FROM 1966 TO 1975

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“Without denying its Geneva origins or the Western and Christian ‘environment’ in which it arose, the ICRC must constantly set these aside and examine every problem, whether general or practical in nature, from a universal standpoint and by seeking to understand local circumstances.”

Report of the committee on policy and activities, minutes of the ICRC Assembly’s plenary meeting, 2 May 1968.

“The Geneva Conventions, under the current circumstances, are like a small island in the middle of a swamp and will continue to sink, slowly but surely, if the Committee does not react.”

ICRC Presidential Council, minutes of the 22 February 1968 session.

“The ICRC is constantly reorganizing.”

# CONTENTS

**INTRODUCTION** 7

**STRUCTURE AND ORGANIZATION** 9
- IMPORTANT FIGURES 9
- CHANGES TO THE GOVERNING BODIES 12

**GENERAL ACTIVITIES:**
**HUMAN RESOURCES, FUNDING AND COMMUNICATIONS** 15
- HUMAN RESOURCES 15
- FUNDING AND FINANCIAL MANAGEMENT 17
- PROMOTING HUMANITARIAN LAW AND PRINCIPLES 20

**THE ICRC'S WORK IN AFRICA** 22
- THE CONGO 22
- SETTING UP REGIONAL DELEGATIONS 23
- SECURITY DETAINES IN SOUTHERN AFRICA 23
- RELATIONS WITH NATIONAL LIBERATION MOVEMENTS 25
- NIGERIA-BIAFRA WAR 26
- ANGOLA 30
- BURUNDI 30
- ETHIOPIA AND ERITREA 31
- WESTERN SAHARA 31

**THE ICRC'S WORK IN LATIN AMERICA** 32
- REGIONAL DELEGATION IN CARACAS, VISITS TO SECURITY DETAINES 32
- WAR BETWEEN EL SALVADOR AND HONDURAS 33
- CUBA 34
- BRAZIL 34
- BOLIVIA 35
- CHILE 35
- ARGENTINA 36

**THE ICRC'S WORK IN ASIA** 37
- REPATRIATION OF NORTH KOREANS LIVING IN JAPAN 37
- VIET NAM 38
- CAMBODIA 43
- LAOS 43
- THAILAND 44
- BANGLADESH, PAKISTAN AND INDIA 44
- INDONESIA 46
- TIMOR-LESTE 47
INTRODUCTION

This study presents the work carried out by the International Committee of the Red Cross (ICRC) from 1966 to 1975. It picks up where the previous study commissioned by the ICRC left off, in Viet Nam. The ICRC had already been active in the French war in Viet Nam and was again present in the American episode of the conflict, which had begun in 1964. It ended, at least in terms of active hostilities, on 29 April 1975 with the fall of Saigon, which was renamed Ho Chi Minh City. The Viet Nam War cuts across the entire period examined here, during which the ICRC engaged in challenging and – by its own admission – unsatisfactory work, in part because it could not visit prisoners of war held by the Democratic Republic of Viet Nam. Throughout the conflict, the ICRC repeatedly approached socialist regimes and Third-World countries hoping they would influence Hanoi in its favour. The organization nevertheless learned many important lessons from the obstacles it encountered during this conflict. Indeed, it underwent significant changes between 1966 and 1975, all while responding to other major conflicts around the world.

In 1966, the effects of the Second World War were still being felt, and the ICRC continued to carry out the duties it had agreed to as a neutral intermediary. These included determining the compensation due to the victims of Nazi pseudo-medical experiments, locating missing persons and identifying civilian victims of National-Socialism (two tasks carried out by the International Tracing Service), working on behalf of families separated by the Berlin Wall and repatriating North Koreans living in Japan. A number of ICRC members and employees experienced the war, and the ICRC’s involvement, first-hand. This was true of Jean Pictet, the main architect behind the revision and rewriting of the Geneva Conventions. A jurist at the ICRC since 1937 and later director-general, he became an ICRC member in 1967 at the same time as Roger Gallopin, who was in charge of operations and had also begun working for the ICRC just before the Second World War broke out.

The Second World War was still in people’s minds, but with the Cold War in full swing and new countries appearing on the international scene, unprecedented situations arose. In addition to the Viet Nam War and its repercussions for neighbouring countries, the ICRC also had to deal with major conflicts in the Middle East (the Six-Day War in June 1967 and then the Yom Kippur War in October 1973), Nigeria (attempted secession by Biafra, 1967–1970), the Indian subcontinent (Bangladeshi independence, and the conflict between India and Pakistan, 1971–1974)** and Cyprus (following the Turkish military intervention in July 1974). The ICRC was also active during the military coups in Greece (April 1967) and Chile (September 1973), the fallout from attempted coups in Indonesia (October 1965) and Burundi (April 1972) and the civil war in Jordan (September–October 1970). But such headline-grabbing events should not obscure the ICRC’s many efforts all over the world. These included visits to security detainees, which became more widespread during this period, along with attempts to establish contact with all groups engaged in armed violence, including national liberation movements in Africa.

Its intense operational activity also led the ICRC to pursue important legal work aimed at reaffirming and further developing international humanitarian law; these efforts culminated with the adoption of the two 1977 Protocols additional to the Geneva Conventions of 1949.

This study follows chronologically from other books the ICRC has published on its history, but it does not apply the same methodology. Our goal is different: we hope to provide readers and historical researchers with an overview of the ICRC’s work, discussions and initiatives during this period, in order

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1 * The terms “ICRC member” or “Committee member”, as used here, refer only to members of the organization’s governing body – the Assembly – which is composed of between 15 and 25 Swiss nationals including the president and vice-president(s) and meets several times per year.

** The Indo-Pakistani conflict of August-September 1965 is not covered by this study or Françoise Perret and François Bugnion’s work (see below). Interested readers should refer to the ICRC’s 1965 Annual Report.

to help guide more specific studies. The period covered corresponds to the section of the archives that the ICRC opened to the public in 2015. From this perspective, this study can be seen as guidance for researchers and a general comment accompanying the 1966–1975 archives, which are now available to researchers and anyone else interested in the ICRC's history, in humanitarian action or in the history of conflicts and development of international humanitarian law.

While we endeavoured to review the ICRC’s main areas of work, this study is general in scope and not meant to be exhaustive. In order to identify the key issues delineating the organization’s work and the development of its policy positions, we were guided by the ICRC’s internal discussions and decisions as can be found in the minutes of its main decision-making bodies: the Assembly (i.e. the plenary meeting of the International Committee) and the Presidential Council (which was replaced in July 1973 by the Executive Council). Preparatory documents (such as reports, file notes and draft decisions) were drawn up for most of these meetings and provide important insights into the issues under study. Using this approach, we feel that we were able to identify the main considerations that informed the ICRC’s work and deliberations. To complete the picture, we often refer to the ICRC’s annual reports and to communications and documents that were published, with great regularity, by the *International Review of the Red Cross (IRRC)*, an official ICRC organ at the time. We also frequently draw on specific files from the archives; the many footnotes provide the corresponding references. In addition, we were able to consult numerous internal working files, chronologies and summary notes found in the archives or in public sources. Archival documents prepared after 1975 cannot be cited; we are grateful to their authors for sharing them with us.

Most commonly cited sources:
- A PVA Pl: Minutes of plenary sessions of the ICRC (Assembly), 1966–1975
- A PV C1 Pl: Minutes of plenary sessions of the Presidential Council, 1966–1973
- SP (preparatory sessions): documents generally attached to the meeting minutes; they are also collected in ad hoc volumes, 1966–1972
- IRRC: International Review of the Red Cross

*When an official English translation of these sources does not exist, a working translation of excerpts used in this study is provided.*
STRUCTURE AND ORGANIZATION

The International Committee of the Red Cross (ICRC), founded in Geneva in 1863, is an independent humanitarian organization with its own special status. It co-opts its members from the Swiss citizenry. By virtue of the mandate conferred upon it by the Geneva Conventions and the International Conferences of the Red Cross and Red Crescent, it is active around the world helping victims of international and non-international armed conflicts, internal disturbances and other situations of violence.

The ICRC is part of the International Red Cross and Red Crescent Movement, together with the National Red Cross and Red Crescent Societies and the International Federation of Red Cross and Red Crescent Societies (which was called the League of Red Cross Societies until 1991). These organizations, referred to as components of the Movement, meet every two years in the Council of Delegates. Every four years, these organizations are joined by representatives of States party to the Geneva Conventions in a meeting referred to as the International Conference of the Red Cross and Red Crescent. During its regular sessions, the International Conference elects a Standing Commission of nine members, five of whom are elected by Conference participants plus two ex officio representatives of both the ICRC and the International Federation. This Commission is responsible for organizing the subsequent International Conference and Council of Delegates.

Members of the ICRC meet in plenary sessions known as the Assembly on a regular basis, around ten times per year. The Assembly is the organization’s supreme governing body and is composed of 15 to 25 members. It formulates the ICRC’s general policy and determines the organization’s structure and governing bodies.

In the period covered by this study, the International Committee delegated responsibility for following up on matters of business between plenary sessions to a subsidiary body, the Presidential Council (replaced by the Executive Council in 1973), which met once or twice per month. Changes were also made to the ICRC’s internal structure (affecting the Directorate and employees, whether permanent or not).

IMPORTANT FIGURES

In 1966, the International Committee of the Red Cross was made up of the following individuals:²

- **Samuel Gonard**, member beginning in 1961; he succeeded Léopold Boissier as president on 1 October 1964. Gonard was born in Neuchâtel in 1896, studied law and was a career officer in the Swiss army where he served as corps commander. He also taught both international politics and strategy at the Graduate Institute of International Studies in Geneva. His term as president ended on 31 December 1968.
- **Jacques Freymond**, member beginning in 1959, vice-president beginning in January 1965. Born in Lausanne in 1911, Doctor of Literature (University of Lausanne), he was the director of the Graduate Institute of International Studies and a professor of the history of international relations at the University of Geneva. He served as president ad interim of the Committee from 1 January to 30 June 1969.
- **Jacques Chenevière**, Doctor of Literature. Member beginning in 1919, honorary vice-president.
- **Martin Bodmer**, Doctor honoris causa in Philosophy. Member beginning in 1940.
- **Léopold Boissier**, Doctor of Laws, honorary professor at the University of Geneva. Member beginning in 1946 and president from 1955 to 1965.
- **Paul Ruegger**, former Swiss government minister to Italy and the United Kingdom, member of the Permanent Court of Arbitration. Member beginning in 1948, president from 1948 to 1955.
- **Rodolfo Olgiati**, Doctor of Medicine, former director of Don Suisse. Member beginning in 1949.
- **Marguerite Gautier-(Berthout) van Berchem**, former head of section of the Central Prisoners of War Agency. Member beginning in 1951.

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² Most of the biographical details presented here come from announcements published in the IRRC.
The ICRC Directorate was made up of the following individuals:

- **Roger Gallopin**, Doctor of Laws, executive director
- **Jean Pictet**, Doctor of Laws, director for general affairs
- **Claude Pilloud**, deputy director for general affairs.

During the Assembly session of 2–3 November 1966, Gallopin and Pictet were appointed directors-general. On the same occasion, Pilloud was appointed director.

Membership in the Committee changed between 1966 and 1975. The following people were elected during this time:

- **Roger Gallopin and Jean Pictet** were elected to the Committee in November 1967. They kept their position and role as directors-general. In 1971–1972, Pictet served as vice-president along with Harald Huber; their term was renewed for four years in 1973.
- **Waldemar Jucker**, jurist, secretary-general of the Union Syndicale Suisse, was elected in November 1967.
- **Denise Bindschedler-Robert**, Doctor of Laws and a lawyer, jurist at the Federal Political Department, member of the Swiss delegation to the Diplomatic Conference of 1949 and, starting in 1964, professor of public international law at the Graduate Institute of International Studies in Geneva. She became a member in December 1967.
- **Marcel Naville**, born in Geneva in 1919, Master of Arts (University of Geneva), worked for a time at the Federal Political Department, in the ICRC’s Legal Division, and as a bank manager. He was elected in December 1967 and served as president from 1 July 1969 to 30 June 1973, after which he remained a member of the Committee.
- **Jacques de Rougemont**, Doctor of Medicine; he carried out missions for the Swiss Red Cross, Don Suisse and the ICRC (in Greece, and assisting victims of pseudo-medical experiments). He was elected in December 1967.
- **Harald Huber**, Doctor of Laws and a lawyer, a judge on the Swiss Federal Supreme Court beginning in 1962, became a member in December 1969.

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3 Born in Geneva in 1909, Gallopin earned a doctorate in law from the University of Geneva and worked as a lawyer. He joined the ICRC in 1936 as a jurist. He held various positions over the course of his career, including head of the Prisoners, Internees and Civilians Division and deputy secretary-general. In particular, he oversaw field activities and thus acted as a de facto director of operations before the post was created.

4 Born in Geneva in 1914, Pictet earned a doctorate in law from the University of Geneva and worked as a lawyer. He joined the ICRC in 1936 as a jurist. He was named director in 1946, and it was in this capacity that he oversaw the preparatory work that led to the signing of the four Geneva Conventions in 1949. He later oversaw the preparation of their commentaries.
Pierre Micheli, Bachelor of Laws (University of Geneva), worked at the Federal Political Department from 1933 to 1970 (during his career there he served as head of the International Organizations Division, Swiss ambassador to France, secretary-general of the Department and head of the Political Affairs Division). He became a member in May 1971.

Pierre Boissier, Bachelor of Laws (University of Geneva), jurist and ICRC delegate starting in 1946, director of the Henry Dunant Institute beginning in 1966. He was elected to the Committee in April 1973.

Ulrich Middendorp, Doctor of Medicine (University of Zurich), carried out several missions as ICRC medical delegate to Yemen and Viet Nam; head of the surgical clinic of the Winterthur cantonal hospital. He became a member in April 1973.

Marion Bovée-Rothenbach, diploma in social work (Ecole d’études sociales in Geneva); carried out several missions for the ICRC and the Swiss Red Cross from 1953 to 1958 and for the United Nations from 1962 to 1971; assistant professor at the social and political science school of the University of Lausanne. She became a member in April 1973.

Gilbert Etienne, professor at the Graduate Institute of International Studies and the Graduate Institute of Development Studies (Geneva). He became a member in June 1973.

Eric Martin, honorary professor of medicine at the University of Geneva beginning in 1970; former professor at the University of Geneva Policlinic, dean of the Faculty of Medicine, and rector of the University of Geneva (1960 to 1962). He became a member and was elected president of the Committee in July 1973.

Hans-Peter Tschudi, Doctor of Laws (University of Basel), a former member of the Cantonal government of Basel-City who represented that canton in the Swiss Council of States, and a federal councillor from 1959 to 1973. He became a member in December 1973.

Henry Huguenin, bank manager in Geneva and Zurich; carried out missions for the ICRC in 1969 (Jerusalem) and 1970 (Amman). He became a member in January 1974.


Jakob Burckhardt, Doctor of Laws (University of Basel); he held positions at the Federal Political Department (including head of the International Organizations Division) and at the Federal Atomic Energy Committee; chairman of the Board of the Swiss Federal Institutes of Technology beginning in 1966. He became a member in January 1975.

Herbert Lüthy, Doctor of Philosophy (University of Zurich), professor at the Swiss Federal Institute of Technology in Zurich and then professor of modern history at the University of Basel starting in 1971. He became a member in September 1975.

Thomas Fleiner, Doctor of Laws (University of Zurich), professor at the law faculty of the University of Fribourg. He became a member in January 1975.

Alexandre Hay, born in 1919, Bachelor of Laws (University of Geneva), a lawyer, he held various positions in the Federal Political Department and in 1954 joined the Swiss National Bank, where he became director-general in 1966. He became a member in January 1975 and was elected president of the ICRC in July 1976.

During this time, the following members left the Committee: Samuel Gonard (end of his term as president, December 1968; he passed away in May 1975), Jacques Chenévière (honorary member starting in January 1970), Marguerite Gautier-van Berchem (honorary member starting in January 1970), Hans Meuli (honorary member starting in January 1970; he passed away in April 1971), Frédéric Siordet (honorary member starting in January 1971), Rodolfo Olgiati (honorary member starting in January 1971), Martin Bodmer (honorary member starting in January 1971; he passed away in March 1971), Jacques Freymond (stepped down in December 1972), Paul Ruegger (honorary member starting in May 1973), Guillaume Bordier (honorary member starting in May 1973), Marjorie Duvillard (end of term, December 1973), Dietrich Schindler (honorary member starting in January 1974), Guillaume Bordier (honorary member starting in May 1973), Adolphe Graedel (honorary member starting in January 1975) and Max Petitpierre (honorary member starting in January 1975). Three members passed away during their term on the Committee: Adolphe Franceschetti in March 1968, Léopold Boissier in November 1968 and Pierre Boissier in April 1974.
CHANGES TO THE GOVERNING BODIES

A committee for studying the policy, activities, methods and organization of the ICRC was set up on 2 March 1967 and chaired by Frédéric Siordet. The committee’s task was to prepare general policy orientations, which it presented to the Assembly on 2 May 1968. However, it did not come up with proposals concerning the organization’s structure. Improving the ICRC’s internal functioning and how responsibilities were to be distributed among its governing bodies would require further efforts. It is interesting to note that the United States, when making a large one-off contribution in 1971, expressed its wish that the ICRC “reexamine its organization and its administrative and financial structures in order to make the best use of its resources and to coordinate the resources of the entire Red Cross and use them as efficiently as possible.”

Organizational changes to the Directorate began to be made in the early 1970s. Until then, the two directors-general Roger Gallopin and Jean Pictet had assumed executive responsibility for the ICRC while acting as Committee members at the same time. At the end of 1969, Gallopin requested to be relieved of his responsibilities on the Directorate (while remaining a Committee member). Pictet wished to give up his administrative responsibilities in order to focus his efforts on further developing international humanitarian law. He was named chairman of the Legal Commission (succeeding Frédéric Siordet), which was made up of Committee members and the ICRC’s jurists. This left Claude Pilloud as ICRC director.

The Directorate was thus dissolved and a new one put in place, headed by the newly created position of secretary-general. This position was filled in January 1970 by ICRC outsider Jean-Louis Le Fort. Le Fort was joined on the new Directorate by Raymond Courvoisier, special assistant to President Marcel Naville since July 1969, who at the same time became the director of operations (ad interim, until May 1973), and by Claude Pilloud, director of the Department of Principles and Law. The director of operations was served by four delegates-general: André Rochat (Middle East), André Durand (Far East), Georg Hoffmann (Africa) and Serge Nessi (Latin America). The other operational entities were the Logistics and Relief Division (headed by Karl Heinrich Jaggi), the Delegations Service (Laurent Marti) and the Central Tracing Agency (Paulette Tombet). The Legal Division (headed by René-Jean Wilhelm) and the External Development Division, which was soon renamed the Documentation and Dissemination Division (Pierre Gaillard), answered to Pilloud. The head of Personnel (Robert Dubath) and the head of Finance and Administration (Édmé Regenass) were attached to the secretary-general. The Press and Information Division (Alain Modoux, ad interim beginning in January, formally appointed in July 1970) answered directly to the president. The Directorate’s membership and organization were again modified as part of structural reforms introduced in 1973.

These reforms began with the Committee itself, focusing on the roles and responsibilities of the two decision-making bodies: the Assembly (i.e. the entire Committee) and the smaller Presidential Council. Article 7 of the ICRC Statutes of the time (the 8 January 1964 version, which replaced the 1958 version) stated that “[d]ecisions shall be taken by a majority of the members of the ICRC present. In the interval between sessions of the ICRC, current work shall be directed by the Presidential Council, composed of the President and at least three members of the ICRC. Any decision of general import shall be reserved for the Committee sitting in plenary session.” In view of the members present at the meetings, the composition of the Council appeared to vary: the president and vice-presidents were joined by whichever members were available (some of whom attended quite regularly). The directors also attended the meetings. The Presidential Council met once or twice per month, and its discussions – and some of its decisions – were significant. This led to tensions between the Presidential Council and the Assembly.
which felt that its strategic responsibility was being usurped. The discussions held in the early 1970s show the discord within the Committee and among members of the Directorate and had an impact on operations.9

To support the internal discussions, which were conducted by a working group headed by Max Petitpierre, the ICRC called on Rudolf Probst, the director of the Bern-based firm Fiduciaire Générale; the ICRC had recently availed itself of Probst’s expertise in the form of a financial analysis. The “Probst report” addressed all aspects of the ICRC’s organization, as well as the composition and powers of the various decision-making bodies.10 Most of Probst’s recommendations were accepted. The most salient one was a clear separation of authority between the Assembly and its subsidiary Executive Council (which had replaced the Presidential Council). The latter received more executive powers. The ICRC wanted the two bodies to function independently of each other, and they were chaired by different people. The Assembly’s decision of 1 February 1973 neatly reflects this desire. It deemed that the role of the Assembly chair was to “inspire ICRC policy, prepare and preside over its meetings and represent the organization in the manner set forth in Mr Probst’s report.” As for the chair of the Executive Council, the Assembly decided that “general management of ongoing business and monitoring how it is handled by the Directorate will depend on the Executive Council, whose chair will answer directly to the Assembly and will represent the organization externally in pursuit of its mandate.”

The ICRC’s Statutes were revised on 21 June 1973 and then again – for details such as the number of departments under the Directorate and the majority required to revise the Statutes – on 6 December 1973 and 1 May 1974. In terms of powers, the ICRC’s Internal Regulations, which were adopted on 1 May 1974, clearly indicate that the Executive Council was given “general authority for dealing with the organization, administration and status of employees” (Article 31.2). The Board was to handle “general business”, take “operational decisions within the limits of the ICRC’s policies and general orientation, as determined by the Assembly”, and provide “direct supervision over the administration” (Article 31.1). The Assembly was responsible for defining “ICRC policies and the general orientation of its action”, addressing “general issues concerning the development of humanitarian law” and giving “general policy directives to the Executive Council” (Article 18.2).

The ICRC appointed Roger Gallopin as the first president of the Executive Council.11 President Naville did not request a second term when his first one ended. It was therefore necessary to find a successor, while at the same time the president’s responsibilities were reduced to largely representative functions. Eric Martin, an honorary professor of medicine and former rector of the University of Geneva, was offered this position; he accepted and served as president until July 1976.12 In a communication to the National Societies on 4 July 1973, which was published by the IRRC,13 the ICRC described its new governing bodies and listed the members of the first Executive Council (which, under the Statutes, could not exceed seven members): Roger Gallopin (president), Victor Umbricht (vice-president), Denise Bindschedler-Robert, Ulrich Middendorp and Gottfried de Smit.14

The position of secretary-general was eliminated as part of the reorganization of the ICRC’s governing bodies. The Directorate – a collegiate body – was created in order to properly oversee day-to-day

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9 This eventually led to the resignation of Vice-President Jacques Freymond in December 1972, citing his inability to support the ICRC’s policies in Viet Nam and Bangladesh. See Freymond’s book, written several years later: Guerres. Révolutions. Croix-Rouge. Réflexions sur le rôle du CICR, Graduate Institute of International Studies, Geneva, 1976. Conflicting viewpoints within the ICRC were discussed in the Swiss press and were even the subject of an official inquiry to parliament, requested by National Councillor Georges Chevallaz with the support of 11 other deputies and submitted on 7 March 1973. The Federal Council responded in September 1973, assuring the members of parliament in fine that “the ICRC’s new leadership structure, when combined with widespread recognition of the quality of its permanent management, would make the Committee better able to devote itself fully to its ever more complex duties” (See ICRC archives B AG 001-01.)

10 “The Probst report and records of the discussions surrounding it can be found in the ICRC’s archives under reference numbers B AG 001-008, -009 and -010.

11 “The Assembly has decided that Roger Gallopin shall serve as president of the Executive Council starting no later than 1 July 1973, for two and a half years, or until the end of 1975” – Decision of the 1 February 1973 plenary session of the Assembly.

12 It should be noted that the dual presidency model was abandoned at the end of Martin and Gallopin’s terms. Alexandre Hay assumed the presidency of both the ICRC and the Executive Council.


14 At the time of his appointment to the Executive Council, Gottfried de Smit was not yet an ICRC member; he became one in January 1974. Along with Victor Umbricht, he was primarily responsible for the ICRC’s internal organization.
workings. It was chaired by the president of the Executive Council and made up of five members, each with clearly defined responsibilities: Pierre Gaillard (Doctrine and Law), Jean-Pierre Hocké (Operations), Jean-Pierre Maunoir (Personnel), Edmé Regenass (Finance and Administration) and Paulette Tombet (Central Tracing Agency). Three heads of sector also regularly joined in on the work of the Directorate (which in such cases was called the ‘expanded Directorate’): Alain Modoux (Press and Information), André-Dominique Micheli (delegate to the International Organizations) and Dr Reinhold Käser (chief physician).

Jacques Moreillon, who was appointed in October 1974, replaced Pierre Gaillard at the start of 1975; Gaillard then worked for the Assembly where he assisted Claude Pilloud (who remained director) in managing the legal work associated with the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law, which began in 1974.

In addition to the directors and heads of sector attached directly to the Directorate, the other ICRC managers in 1975 were: Frédéric de Mulinen (controller; position attached to the Assembly), Pierre Basset (head of the Bureau of the Executive Council), Melchior Borsinger (delegate-general for Europe and North America), Michel Convers (delegate-general for the Middle East, North Africa and the Asian Sub-Continent), Serge Nessi (delegate-general for Latin America, South-East Asia, the Far East and Oceania), Frank Schmidt (delegate-general for Africa and head of the Relief Division), René-Jean Wilhelm (head of the National Societies and Principles Division), Danièle Bujard (head of the Legal Division), Robert Gaillard-Moret (head of the Documentation and Dissemination Division), Jean-Georges Lossier (editor of the IRRC), Laurent Marti (special representative of the Executive Council, in charge of fundraising) and Robert Dubath (head of Personnel).
GENERAL ACTIVITIES: HUMAN RESOURCES, FUNDING AND COMMUNICATIONS

During the period under study, the ICRC expanded its administrative structure to bolster the effectiveness and continuity of its work. It moved away from the simple day-to-day management it had practiced for years. In its personnel policy, it sought to consolidate the pool of human resources it would need to engage in a broader range of longer-term work. It also put in place a proactive fundraising strategy aimed at moving beyond its two primary donors, Switzerland and the United States. Finally, aware of the key role of communications, the ICRC gradually acquired the means to promote humanitarian law and principles and to raise awareness among the public through the media.

HUMAN RESOURCES

Complete statistics on staff numbers between 1966 and 1975 are hard to come by, especially for those on field assignment. The ICRC’s annual reports do not systematically provide such figures, and they would not be easy to reconstruct on the basis of information available in the archives. It is, however, possible to sketch out a partial picture. The numbers available, by year, are as follows:

- 1966: 178 headquarters staff
- 1967: 159 headquarters staff; 78 delegates on assignment
- 1968: 197 headquarters staff; (expatriate staff in Nigeria/Biafra: 433)
- 1969: 196 headquarters staff
- 1970: 224 headquarters staff; 46 delegates on assignment; 84 local employees
- 1971: 235 headquarters staff; 65 delegates on assignment
- 1972: 239 headquarters staff; 87 delegates on assignment (plus 128 expatriate staff in Bangladesh)
- 1973: 239 headquarters staff; 111 delegates on assignment; 220 local employees
- 1974: 227 headquarters staff; 126 delegates on assignment; 220 local employees
- 1975: 238 headquarters staff; 85 delegates on assignment; 130 local employees.

In the mid-1960s the ICRC needed to consolidate its financing and expand its base of staff members ready and able to carry out operations. The shortage of managers was pointed out on several occasions. The ICRC’s recruiting approach consisted mainly of word of mouth and contacts through Committee members and academic conferences. A “Group for International Missions”, created in 1962 by the Swiss government and the ICRC, and the Swiss government’s “catastrophe corps”, set up several years later, served as hiring pools, but such staff were usually only available for short missions (up to eight weeks).

The 1975 Annual Report provides some interesting figures on job applicants that year: 521 people applied to work for the ICRC, 129 of whom were not Swiss and thus ineligible for delegate positions. Out of the 392 applicants considered, 86 were hired and 306 were rejected. The ICRC ran five-day training sessions for future delegates at the Cartigny conference centre outside Geneva.

The uncertainty of the would-be delegate’s situation is laid bare in an article published in the IRRC in 1975. The article notes that, once the introductory course for new delegates ends, “[t]he candidate returns to his home, has himself vaccinated—and resumes his usual activities. No position is promised

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16 Refers to total staff in Nigeria at the operation’s peak in October 1968, including medical personnel and support staff.
17 Staff in Bangladesh under ICRC contract in 1972. When National Society employees are included, the total comes to 272.
to him, since the sending of delegates to the field depends on needs as they arise.”

This same article gives insight into the hiring of female delegates at the time: “Up to the present time, there have been few women delegates. This situation is evolving however, and the experience of recent years indicates that women members of delegations make an effective contribution to its accomplishment.”

In 1975, 17 out of 98 participants in the four delegate-training courses run were women. And of the 22 people who filled high-level management positions at the ICRC (directors and their direct subordinates, along with managers attached directly to the Assembly or Executive Council), two were women: Paulette Tombet, the director of the Central Tracing Agency, and Danièle Bujard, head of the Legal Division. Heads of delegation were all men. Also in 1975, only two of the 21 Committee members were women: Denise Bindschedler-Robert (also a member of the Executive Council) and Marion Bovée-Rothenbach.

For years, the ICRC managed its headquarters and expatriate staff without the virtue of planning. It was not until the organization’s decision-making bodies were reformed in July 1973 that a formal staff-management structure was set up. Jean-Pierre Maunoir was put in charge, and his first order of business was to create a reserve pool of delegates. During an Executive Council discussion in 1974, Maunoir reported on the pool at his disposal: two or three highly experienced delegates, who were occasionally available but were not under permanent contract; around 30 people with at least two years of field experience; and a dozen people with less than two years of field experience. In 1975, the ICRC began to offer medium-term contracts (three to five years) to temporary delegates who had proven their worth.

A year and a half after setting up the department, Maunoir pointed out the need to improve the difficult process of training heads of delegation and presented what he thought the organization’s personnel policy should be:

- “The ICRC’s personnel policy should put the individual at the centre of its concerns and endeavour to promote a favourable working environment within the organization. This means that women should receive the same salaries as men if they are equally trained and equally able and if they assume the same roles and the same responsibilities.

The ICRC must adapt its hiring requirements and working conditions so that it is possible to fill positions of responsibility with staff members who have proven their abilities. This also means that incompetent people must be removed very quickly.

The ICRC must also develop ongoing professional training.

The ICRC must view the line manager as the main person in charge of personnel management who is helped by the personnel department, rather than the other way around.

The ICRC needs a fair and flexible compensation policy that takes into account professional requirements and seniority.

The ICRC should recognize its employees’ right to dialogue.

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19 Ibid., pp. 439-440.
20 Presentation and discussion on the creation of a reserve pool of delegates. See the minutes of the 8 August 1974 Executive Council meeting – A PV C2 PI 2 (1974).
21 Presentation to the Assembly by Jean-Pierre Maunoir. See the minutes of the 26–27 February 1975 Assembly meeting – A PVA PI 37 (1975). We have separated the different points for the sake of clarity.
FUNDING AND FINANCIAL MANAGEMENT

Funding was a never-ending concern for the ICRC.\(^{22}\) It determined the organization’s operating capacity and affected its operational decisions. The period in question began with a deficit caused by under-funded operations in Nepal and Yemen; this was aggravated at the end of 1967 by deficits in Viet Nam (Sfr 836,000) and the Middle East (Sfr 711,000). To cover its funding shortage, the ICRC accepted advances from the Swiss government, as it had done in prior years (Sfr 7.5 million for the 1961–1967 period). At the time, Switzerland was the ICRC’s most consistent source of financing. Starting in 1962, half a million francs per year came from Switzerland, a figure that rose to Sfr 2.5 million in 1968 and Sfr 7.5 million in 1972. The United States also started making annual contributions in 1965 ($50,000 that year, the equivalent of Sfr 216,000), which increased tenfold in 1975.

Switzerland’s advances shifted towards direct contributions in 1968.\(^{23}\) At the same time, the ICRC was granted another loan of Sfr 10 million, which it would use up in 1971. Switzerland funded 38% of the ICRC’s budget in 1967, 57% in 1968 and 58% in 1970. The ICRC’s main donors in 1967, after Switzerland and the United States, were the Federal Republic of Germany, the United Kingdom, Italy, France, Sweden, Canada, Australia, the United Arab Republic (Egypt), the South African Republic, India, Japan, Denmark, Kuwait, New Zealand, Austria and Iran.

The years 1967 and 1968 were a turning point for the ICRC in terms of both operations (it was deeply engaged in Viet Nam, Yemen, the Arab-Israeli conflict and Nigeria/Biafra) and funding. While these operations absorbed most of the organization’s human and financial resources, they were handled off budget (but included in the annual financial statements).

During the period covered by this study, the ICRC’s expenditures were the following\(^{24}\) (wherever possible, the first figure is broken down into cash outlays followed by the sum of contributions in kind and services contributed):

- **1966:** Sfr 8,266,227 (composed of Sfr 6,548,387 in cash and Sfr 1,717,840 in contributions in kind and services)
- **1967:** Sfr 29,568,271 (Sfr 12,238,402, Sfr 17,329,869)
- **1968:** Sfr 146,014,392 (Sfr 45,452,770, Sfr 100,561,622)
- **1969:** Sfr 140,318,030 (Sfr 115,395,795, Sfr 24,922,235)
- **1970:** Sfr 42,047,765 (Sfr 19,626,806, Sfr 22,420,959)
- **1971:** Sfr 55,545,986 (Sfr 20,366,486, Sfr 35,179,500)
- **1972:** Sfr 32,675,799
- **1973:** Sfr 35,859,428 (Sfr 29,407,223, Sfr 6,452,205)
- **1974:** Sfr 62,348,541 (Sfr 59,664,194, Sfr 2,684,347)
- **1975:** Sfr 88,362,953 (Sfr 60,783,599, Sfr 27,579,354).

Contributions from governments and National Societies were not always enough to balance the ICRC’s budget, and it was forced to draw on the following reserves to cover underfunded operations:

- The Special Fund for Relief Actions (formerly the Fund for Relief Activities, which had been set up in 1949 when the Allies released the Japanese fund and Italy repaid the cost of maintaining its military personnel held in captivity).\(^{25}\) This fund received annual donations from the Swiss people starting in 1950 (amount collected in 1966: Sfr 845,000) as well as donations from governments

\(^{22}\) To the best of our knowledge, the only existing comprehensive research into the ICRC’s funding was conducted by Jean-François Golay for his doctoral thesis, *Le financement de l’aide humanitaire. L’exemple du Comité international de la Croix-Rouge*, Peter Lang, Bern, 1990. We have drawn on it extensively in this chapter.

\(^{23}\) Federal decree of 13 March 1968 on increasing Swiss financial support for the ICRC, which was issued following the dispatch from the Federal Council to parliament on 26 November 1967 concerning Switzerland’s financial contributions to the ICRC.

\(^{24}\) Along with figures taken from the annual reports, we drew on an internal historical analysis conducted by the ICRC’s Finance and Administration Division.

\(^{25}\) This fund originally contained some Sfr 13 million, which the ICRC, upon the recommendation of the Swiss National Bank, had converted into 265 gold bars. In February 1964, the ICRC transferred seven bars (82 kg) to the Bank of Ireland in Dublin as part of its preparations in case of a potential worldwide conflict. Gold reserves stored in Switzerland were sold off regularly to cover shortfalls, until by 1970 only the reserve in Dublin was left. (This remained the case until 2006.)
and National Societies. The Special Fund had a balance of around two million Swiss francs on 31 December 1965.

- The Reserve for General Risks (renamed General Reserve in 1971), which, starting in 1951, received funding from the Federal Republic of Germany in repayment of costs incurred by the ICRC during the Second World War in providing support to German nationals (the total cost was estimated at Sfr 12.7 million); these annual payments ended in 1970. One-off contributions from the Swiss government (such as when the ICRC ended its work in Nigeria/Biafra) also went into this reserve. A reserve set up in the event of a worldwide conflict, capped at Sfr 5 million, also existed.

- A Special Reserve was set up in 1971 with the proceeds from a one-off payment made by the United States (equivalent to Sfr 2.5 million); it also contained unearmarked donations and bequests. This reserve was used in 1972 and 1973 before being merged into the General Reserve in 1974.

The volume of its operations forced the ICRC to change its bookkeeping. The special accounting structure that was adopted for the exceptionally large-scale operation in Nigeria (the attempted secession by Biafra) was implemented across the board in 1970 when the ICRC introduced the structure developed by Le Fort, the new secretary-general. It included:

- a permanent budget designed to cover regular work that generated ongoing expenses;
- a temporary (or occasional) budget designed to cover the costs of personnel (delegates and local employees) hired for a fixed period, which included staff involved in preparing for the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law; and
- an occasional budget designed to cover urgent and unplanned operational needs, which also allowed the ICRC to earmark contributions for specific operations, and for which ad hoc financial reporting was carried out. Starting in 1971, a number of operations on various continents would be covered by this budget.

These three budgets remained in place until 1978, when the temporary budget was absorbed by the permanent one. The permanent budget became the ordinary budget, and the occasional budget became the extraordinary budget.

In early 1971, ICRC President Naville reached a new funding agreement with the Swiss government. Federal Councillor Pierre Graber announced that the annual ordinary contribution would amount to Sfr 7.5 million, plus a Sfr 5 million loan for short-term operations. This policy was officially confirmed in 1972. At the same time the ICRC was aware of the disadvantage of relying on the Swiss government to make up for its funding shortfall. It became determined to raise an equal amount of money, or

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26 In 1947, the National Societies created a commission on ICRC funding, initially composed of representatives from the National Societies of the United States, Belgium, Canada, Norway and France. The commission settled upon a system similar to that used to determine contributions to the United Nations Relief and Rehabilitation Administration (UNRRA). The creation of this Commission was approved in Resolution VII of the 17th International Conference of the Red Cross in Stockholm in 1948.

27 It should also be noted that the ICRC agreed to manage a Japanese fund created by the 1951 San Francisco Treaty to pay reparations to Allied prisoners of war in Japan. For more information on the fund’s creation, see C. Rey-Schyrr, De Yalta à Dien Bien Phu. Histoire du Comité international de la Croix-Rouge 1945–1955, ICRC and Georg, Geneva, 2007. Concerning its dissolution, see: Report on the Activity of the International Committee of the Red Cross for the Indemnification of Farmer Allied Prisoners of War in Japanese Hands, ICRC, Geneva, 1971. When the fund was dissolved, it still contained around one half million Swiss francs, which the ICRC – with Japan’s consent – used to fund its activities in Cambodia and Viet Nam.

28 Following discussion in the Presidential Council on 17 September 1970, then in the 1 October Assembly meeting. See meeting minutes and preparatory documents in A PVA Pl 33 (1970).

29 This temporary budget was essentially created to manage a donation of Sfr 4.3 million from Switzerland. It mainly covered activities in the Middle East and Southeast Asia, as well as expenses related to visits to security detainees (particularly in Latin America) and certain law publications and studies.

30 It was during this period that the ICRC began to work with the British auditing firm Peat, Marwick, Mitchell & Co., which was contracted to audit the financing of activities in Nigeria/Biafra. The business relationship became a regular one starting in 1976.

31 The ICRC went from having three “special operations” in 1971 (Nigeria, Jordan and India/Pakistan), which together cost roughly Sfr 1.5 million, to eight such operations in 1975 (Angola, Chile, Cyprus, Iraqi Kurdistan, Lebanon, Middle East, Rwanda and Timor-Leste) costing about Sfr 12 million.


33 Golay, who discusses the financial relationship between Switzerland and the ICRC at length, concludes his analysis with the observation that, by the end of the 1960s, the Swiss Confederation was, on average, the source of 75% of government contributions to the ICRC’s permanent and temporary budgets (op. cit. p. 212). The ICRC was fully aware of the downside of such lopsided support, in the eyes of external actors at least. This is reflected in the minutes of the 3–4 September 1974 Assembly meeting: “the considerable amount of funding it provides to the ICRC does give rise to a certain risk that the Swiss parliament could interfere in the Committee’s internal affairs. In response to criticism of this kind, it should be pointed out that the more other countries contribute – Socialist countries in particular – the smaller the risk will be” – A PV A Pi 36 (June 1973–December 1974).
more, from industrialized (read “Western”) countries. Secretary-General Le Fort led an initiative targeting three groups: industrialized countries, the Arab world, and East European countries. At least a symbolic contribution was sought from all other countries; foundations and private companies were also to be solicited.

The total contribution from industrialized countries (21 countries approached, in addition to Switzerland) doubled between 1972 and 1976 (to reach around Sfr 3.5 million), but other contributions were modest. Among Arab countries, Kuwait, Bahrain, Qatar, the United Arab Emirates, Oman and Saudi Arabia were all asked to make a one-off contribution. The ICRC pointed out that, in the Middle East, its role was akin to that of a protecting power in the Arab-Israeli conflict, and it published a leaflet in Arabic that it hoped would bolster support. In 1974, Saudi Arabia (which was flush with money from the oil crisis, during which the price of oil had just increased fourfold) made a one-off contribution (equivalent to Sfr 810,000), as did Kuwait in 1975 (equivalent to Sfr 51,000); a number of other countries in the region made modest contributions to specific operations. Socialist countries only contributed Sfr 50,000 during the 1971–1976 period.

The ICRC’s accounts showed a budgetary surplus in 1974 thanks to the donation from Saudi Arabia and a large contribution from the United States. It then set up, probably for the first time, a half-million franc reserve to protect against exchange-rate risk along with a modest set-aside of Sfr 80,000 for fundraising. That same year a chargé de mission was appointed by the Executive Council to the Finance and Administration Division with the sole task of fundraising. Laurent Marti was the first person to assume this duty and adopted the fundraising plan that had been prepared in 1972 but shelved following the ICRC’s reorganization in mid-1973 and the departure of Secretary-General Le Fort. Marti’s job was to develop a strategy based in part on persuading governments to provide the ICRC with regular financing that was not linked to specific operations or activities. He enlisted the support of the National Societies in this effort (while at the same time asking them to contribute half the amount they paid to the League under its statutes). He also introduced a fundraising aspect into the ICRC president’s travels abroad.

Starting in 1973, at the same time that its decision-making bodies were being reorganized, the ICRC redesigned its accounting structure around cost centres, such that each department would receive a budgetary allocation in respect of defined objectives. This marked the advent of annual objectives and work plans for the ICRC’s line managers.

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34 In 1971, the ICRC received extraordinary donations of $1 million (Sfr 4 million) from the United States and Sfr 4.1 million from Switzerland. These donations aside, (other) government contributions came to a mere Sfr 1.5 million.
36 This continued to be the case in Switzerland, with redoubled effort. In 1974, Laurent Marti, at that time responsible for fundraising, received help from the Taft Corporation in approaching a number of American foundations, including the Ford and Rockefeller Foundations.
37 This amounted to only half of the defined target, however, which can be partially explained by the economic slowdown in late 1974 (caused in part by the 1973 oil crisis) and a steep appreciation in the value of the Swiss franc between 1972 and 1978.
39 German Democratic Republic, Bulgaria, Hungary, Mongolia, Poland and Yugoslavia. The USSR did not contribute (and did not begin to support the ICRC until 1988).
40 It was decided to create this post at the 28 March 1974 Executive Council meeting. See the minutes in A PV C2 2 (1974).
PROMOTING HUMANITARIAN LAW AND PRINCIPLES

Léopold Boissier, a former ICRC president, published an opinion piece in the Journal de Genève in January 1968 entitled “The Silence of the International Committee of the Red Cross”, which the IRRC included in its April issue. He used the article to defend the ICRC’s policy of discretion, citing the organization’s need to maintain the trust of the belligerents between which it served as an intermediary. However, the ICRC’s principled position of not commenting publicly on the nature of a conflict or how it was being fought, as defended by Boissier, did not mean that the organization adopted an attitude of “silence” when it came to the application of the Fourth Geneva Convention in the Middle East or the widespread suffering caused by the conflict in Nigeria/Biafra. The ICRC also regularly provided the public with general information on its activities: a semi-monthly bulletin entitled The ICRC in Action was published in French, German, English and Spanish with a print run of around 4,000 copies, which were distributed to the media, governments and National Societies as well as to numerous organizations and companies. At the same time, it produced films depicting its work (including in Yemen, the Middle East and Nigeria/Biafra), photographic material and radio broadcasts. It went one step further in 1971 when, upon suggestion of the director of operations, it started sending “information delegates” into the field in order to gather better operations-related information for use in its communications. In subsequent years, similar assignments took place in Lebanon, Israel and the occupied territories, Viet Nam, Cambodia and Angola, to name a few.

In January 1970 an External Development Division was set up – quickly renamed the Documentation and Dissemination Division – and put into the hands of Pierre Gaillard, a highly experienced jurist and delegate. His main objectives were to better inform people of the ICRC’s principles and activities, especially “in new States or States that belonged to thought systems and civilizations outside the Western world”, and to work in closer coordination with the National Societies in this effort. The primary target was medical services (including in the military), schools and universities, young people and the media.

On 15 August 1972, the ICRC sent all States party to the Geneva Conventions a “Memorandum on the Implementation and Dissemination of the Geneva Conventions” in which it asked to be apprised of all measures they had taken to spread awareness of the Conventions among the armed forces and the general population; a parallel effort was undertaken vis-à-vis the National Societies. In the following months, replies were received from 36 governments and 61 National Societies. This information went into a report presented by the ICRC at the 22nd International Conference (Tehran, November 1973); Resolution XII on the “Implementation and dissemination of the Geneva Conventions” urged States to intensify their awareness-raising and training efforts among groups that apply international humanitarian law and to turn to the ICRC for support. In pursuit of this effort, in 1973 the ICRC sent a letter with a list of legal reference works to the National Societies and around 300 universities worldwide (on 30 March) and to the ministries of defence, justice and foreign affairs of States party to the Geneva Conventions (on 31 August). This letter led to requests for further documentation from a wide range of countries. In the mid-1960s, the ICRC published two key reference documents in a number of languages: a Soldier’s Manual, mainly for armed forces, and The Red Cross and My Country (comprising a school textbook and teacher’s manual), tens of thousands of copies of which were distributed to ministries of education, primarily in Africa, Asia, the Middle East and Latin America.

42 This was discussed in the 30 April–1 May 1969 Assembly meeting – A PVA Pl 32 (1969), which touched upon the subject of public communication about the Middle East and Nigeria.
43 “Mr Courvoisier [assistant to the president and director of operations] proposed that the Council authorize the Press and Information Division to send, from time to time, one of its staff members into an area where the ICRC is active so as to provide our publications with fresh and lively material” – Minutes of the 12 August 1971 meeting of the Presidential Council – A PV C1 Pl 18 (1971).
44 Quotation from a note included in preparatory session 730 on the creation of an external development division, which was approved by the Assembly in its 5 February 1970 meeting – A PVA Pl 33 (1970).
45 Resolution XXXI of the 20th International Conference (Vienna, 1965) and Resolution IX of the 21st International Conference (Istanbul, 1969) also concern the implementation and promotion of the Geneva Conventions.
46 In 1973, four of the ICRC’s ten publications were in Arabic, including an overview of the Geneva Conventions and an Arabic translation of The Koran and the Humanitarian Conventions.
In early 1974, Gaillard drew up an initial assessment of his division’s work in which he notes that, since 1969, the number of governments engaging in awareness-raising efforts grew from 12 to 111, and the corresponding number of National Societies rose from 5 to 74. The textbook *The Red Cross and My Country* was translated into 17 languages and used in 58 countries, while the *Soldier’s Manual* was translated into eight languages and used in 64 countries.

The ICRC and the League brought together the National Societies’ heads of communications and public relations on 25–27 January 1967 (attended by 12 National Societies, all from Europe) and again on 9–12 June 1970 (attended by 23 National Societies, including representatives from Asia, Africa and North and South America). These meetings were used to improve coordination among the Movement partners in the areas of communication and information exchange.

At the end of 1973, the Executive Council held an in-depth discussion on the organization’s communications policy as presented by Alain Modoux, the head of the Press and Information Division. The Council decided it was necessary to include better operations-related information in its communications while also improving its understanding of events and situations in which the organization was involved. It also saw how communications could help in recruiting and fundraising. It encouraged those responsible to further expand the organization’s public relations, particularly in the media, with an emphasis on German-speaking Switzerland.

The *International Review of the Red Cross* also played an important role in the ICRC’s effort to communicate on both operational and legal issues. It published all the ICRC’s communications for States and National Societies, the minutes of statutory meetings, a regular discussion of its main activities, and both organizational and personnel changes within the ICRC. The *IRRC* also regularly published contributions from people outside the ICRC. It was appeared monthly in French and English and, from 1976 onwards, in Spanish (starting in 1949, an annual selection of articles had been published in both Spanish and German).

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47 See Gaillard’s report to the Assembly, reproduced in full in the minutes of its 6–7 March 1974 meeting – A PVA Pl 36 (June 1973–December 1974).
48 This pedagogical/awareness-raising publication was funded through an ad-hoc contribution from the Swiss Confederation.
THE ICRC’S WORK IN AFRICA

The 1960s marked the end of the decolonization process in Africa and of the Portuguese colonial empire in particular. The continent was experiencing violence that, in places like Mozambique and Angola, escalated into civil war as the colonial power withdrew. Liberation movements in Rhodesia (Zimbabwe) and the South African Republic battled predominantly white governments and fought apartheid. The ICRC had long been active on the continent, but was not widely recognized. It was aware of both its ignorance of African countries and the need to improve its acceptance there. These were among the reasons for the early-1962 visit by Samuel Gonard, a member of the Committee, together with Georg Hoffmann, the delegate-general for Africa. This is also why the ICRC chose to set up its first regional delegations in Africa and made efforts to train National Societies there.

THE CONGO

The ICRC’s first major operation in sub-Saharan Africa was in the Congo, a country whose independence came at the cost of civil war. But the ICRC’s work was not yet finished when it closed its delegation in Leopoldville (Kinshasa) in October 1965. When it offered its services to facilitate the departure of mercenaries and their comrades in arms the Katangese Gendarmes, who were stranded in Bukavu, the ICRC became a victim of its own good intentions. This complex undertaking, during which the ICRC had to deal with political reversals by Congolese President Mobutu (who was also the chairman of the Organisation of African Unity, OAU), would leave Africa with a poor image of the organization. The two groups of fighters, after being evacuated to Rwanda in November 1967, met with different fates. Upon President Mobutu’s demand, the Katangese Gendarmes were repatriated to the Congo under the responsibility of the OAU (while the ICRC continued its Tracing Agency work with them in 1968). The fate of the mostly white ex-mercenaries, on the other hand, was completely up in the air. Given the sensitivity of the situation and the unpredictable way in which the OAU and President Mobutu had handled it, the ICRC felt the need to publicly clarify the role it had played by publishing its own version of the facts.

The affair ended for the ICRC when it flew the ex-mercenaries to Paris and Brussels in 1968 on chartered flights. While they were being held in Rwanda, the ICRC visited them weekly, tending to those who were sick and helping them exchange messages with their families, which were mainly in Europe. This situation required the ICRC – and delegate-general Georg Hoffmann in particular – to deal extensively with the Congolese government, a dozen other African countries and the OAU. In the end, the organization’s reputation suffered, as can be seen in two comments from the Committee. In a meeting of the Presidential Council, Hans Bachmann, a Committee member, while throwing his support behind launching a major effort in Nigeria/Biafra, said that the organization had to “show the public that the ICRC also takes care of the African people, despite what the mercenary affair might suggest.” The second comment came from August Lindt, the ICRC’s general commissioner for the operation in Nigeria/Biafra, who said that the perception among Africans is that “the ICRC went to a lot of trouble to keep the mercenaries from being tried in court.”

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50 Rapport de mission en Afrique équatoriale et centrale, 5 February–4 April 1962, report dated 29 June 1962, B AG 209 003-003. This mission report is also discussed in Perret and Bugnion, op. cit., pp. 319-329.
51 For more on the ICRC’s activities in the Congo between 1960 and 1965, see Perret and Bugnion, op. cit., pp. 275-310.
52 The operation was carried out at the request of the Organisation of African Unity (OAU) in response to an appeal issued on 16 September 1967 by Mobutu Sese Seko, who was not only the OAU chairman but also a party to the conflict in his country at the time. It is interesting to note that the ICRC accepted the appeal based on Resolution X of the 20th International Conference (Vienna, 1965), which “encourage[d] the International Committee of the Red Cross to undertake (...) every effort likely to contribute to the prevention or settlement of possible armed conflicts”.
54 Meeting of 9 November 1967 - A PV C1 Pl 15 (1967).
55 Assembly meeting of 7 November 1968 – A PVA Pl 31 (1968). This appeared to be the opinion of Diallo Telli, for one, then secretary-general of the OAU and deeply involved in the episode. The ICRC’s role in the evacuation later served as a pretext for accusations that the ICRC had transported the mercenaries to Biafra, where they supposedly retook up arms. Several years later, such accusations still held weight with a number of the ICRC’s African contacts (according to Thierry Germond, a delegate who carried out several assignments in Africa).
SETTING UP REGIONAL DELEGATIONS

In fact, the ICRC had already done much for one particular group of African people: the prison population. Starting in 1955 in Algeria, the ICRC visited security detainees in 33 countries or territories with some regularity: Angola (starting in 1966), Burundi (starting in 1962), Congo (Kinshasa, starting in 1960), Portuguese Guinea (starting in 1965), Mozambique (starting in 1966), Nyassaland (now Malawi, starting in 1959), the South African Republic (starting in 1964), Rhodesia (starting in 1959), Rwanda (starting in 1964) and Togo (starting in 1973). Such visits were among the priorities of the regional delegations. The first regional delegations in Africa were set up on 14 May 1970 in Yaoundé (before being transferred to Lomé in February 1974) and 5 August 1970 in Addis Ababa (before being transferred to Nairobi in April 1974 owing to the nascent conflict in Ethiopia). Their work included engaging in dialogue with national liberation movements and spreading knowledge of international humanitarian law and the Red Cross principles.

Georg Hoffmann noted that the League was engaged in “standard operations” in Africa and felt that the ICRC should have a more regular presence on the continent as well, which would allow it to expand its promotional efforts with the National Societies among other things. Following the murder of André Tièche, Alain Bieri and Charles Chatora in Rhodesia in May 1978, awareness-raising would indeed become one of the main activities carried out by the Red Cross (including the ICRC) as it expanded its presence in Africa. Laurent Marti’s initiative to publish the educational materials mentioned above (The Red Cross and My Country) is one example of this effort. In mid-1966, Marti carried out an information-gathering mission to 11 African countries. This served to bolster the organization’s focus on increasing knowledge of the Red Cross and international humanitarian law in these countries. The ICRC took another tack when it asked Yolande Diallo to explore the commonalities and similarities between international humanitarian law and African traditions. Diallo carried out a long research trip to various African countries at the end of 1975 and published part of her results in the IRRC. On 25 September 1975, she gave a long presentation on her work to the Committee and senior managers. The ICRC followed up with other efforts to learn about the different cultures in areas where it was active, as it sought to achieve broader acceptance and teach people about international humanitarian law.

The threat of further conflicts in Africa did not escape the Committee, one of whose members noted that “most of the unrest seen around Africa would fall under Article 3. This presents a broad field of action for the ICRC, which could also go a bit beyond its purview in view of its recognized right of initiative.” But this expansive view was not shared by everyone. The Presidential Council, upon hearing a report from Delegate-General Hoffman, who had just returned from a long assignment in southern Africa, felt that “although there are armed internal conflicts in Angola and Mozambique, it is not urgent for Mr Hoffmann to return there in the near future.”

SECURITY DETAINEES IN SOUTHERN AFRICA

The fate of security detainees was a primary concern for the ICRC. Georg Hoffmann, the delegate-general then based in Salisbury (Harare), Rhodesia, visited eight detention centres in South Africa between 1 and 20 May 1964 where he met privately – no mean feat – with detainees who were awaiting trial and with those already convicted. The ICRC requested authorization from the South African embassy in Bern to

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56 The ICRC’s annual reports give a concise list of visits made to security detainees each year, by region or continent.
58 The murders of the delegate Georges Olivet and of two ambulance drivers – one Belgian and one Dutch – in the Congo in December 1961 did not cause as strong a reaction.
59 Côte d’Ivoire, Dahomey (now Benin), Gambia, Ghana, Guinea, Upper Volta (now Burkina Faso), Liberia, Mali, Senegal, Sierra Leone and Togo.
61 Minutes of the 5–6 October 1966 Assembly meeting – A PVA PI 29 (1966).
62 Minutes of the 14 July 1966 Presidential Council meeting – A PV C1 PI 14 (1966). In its 15 December 1966 meeting (A PV C1 PI 14 (1966), the Council was “of the opinion that only temporary assignments should be considered in Africa, where the situation is fundamentally different from in Asia”. One member even stated that, given the increasing feasibility of flight connections, a permanent presence would not be necessary.
carry out further visits in September 1965. Approval was finally granted on 1 February 1967, allowing
the delegate Geoffrey Senn to carry out visits in April, May and August 1967, and again in September
and October accompanied by Simon Burkhardt, a medical doctor. This was when Senn first met Nelson
Mandela, who was a security detainee.63

At this time, a special group of experts formed by the UN Human Rights Committee (which reported to
ECOSOC) was instructed to investigate abuses allegedly being committed against South African
detainees.

This committee, unable to go to South Africa, based its report on hearings, including those held with
former detainees.64 The ICRC had only exchanged letters with the committee and was criticized for what
was considered a placatory attitude towards South Africa.

ICRC delegates visited 945 convicted prisoners in five prisons in May 1969. It did not, however, have
access to detainees imprisoned under the Terrorism Act, which took effect on 12 June 1967; these
detainees could be held indefinitely by the police. Between 1967 and 1979, Kruger, the Minister of Justice,
Police and Prisons, denied the ICRC the right to visit this category of detainees despite frequent requests
and a number of legal memos, including a letter from ICRC President Naville to the minister of foreign
affairs.65 Additional visits to convicted prisoners only took place in November and December 1970,
this period, the ICRC visited the following prisons: Robben Island, Victor Verster, Bien Donné, Pretoria
Central and Barberton.

In June 1967, the ICRC started visiting security detainees in Rhodesia. It only had access to “detainees
under the emergency regulations” and “restrictees”, and its efforts to visit convicted prisoners were
successful only once, in November 1974, when it met with convicted prisoners in Salisbury and Khami.
In 1975, the ICRC visited nine detention centres and registered 865 detainees, to whom it provided
material assistance.

During his assignment in southern Africa in mid-1966, Delegate-General Hoffmann sought access to
security detainees (along with liberation-movement fighters who had been jailed) in Mozambique and
Angola, both still under Portuguese colonial power. He visited a number of detention centres where he
conducted private meetings with those being held. He also visited hospitals, where he met with the
war wounded from the Portuguese side. With the approval of the Portuguese government, the ICRC
was able to visit detainees on site and in Lisbon beginning in 1966. Portugal agreed that the Geneva
Conventions applied to the conflicts in its overseas territories and authorized the ICRC to visit detainees
and fighters from liberation movements in Portuguese territory. This lasted until the Carnation Revolution
of 25 April 1974, after which Portugal gave up its colonies after years of fighting the separatists.66

63 The ICRC visited Mandela on Robben Island on 8 April 1967. See visit report, “Note on Interview with Mr Nelson Mandela”, ar-
chives reference number B AG 225 005-017. During the period under study here, the ICRC visited Mandela at least three more
times, in 1973, 1974 and 1975 (in terms of documented visits at least; the ICRC conducted visits on Robben Island on other oc-
casions without Mandela being mentioned in the reports) – Archive folders B AG 149 (135 ANC).
Nations was particularly active in this area. Note for example the UN Declaration on the Elimination of All Forms of Racial Dis-
crimination of 1963, which was followed by the International Convention on the Elimination of All Forms of Racial Discrimination
65 Letter dated 13 October 1970, from Marcel Naville to Hilgard Muller, and negative response from Muller dated 24 November
1970.
66 Guinea-Bissau’s independence was formally recognized on 10 September 1974, Mozambique’s on 25 June 1975 (sparking a long
civil war), Cape Verde’s on 5 July 1975 and Angola’s on 11 November 1975 (which also marked the beginning of a long civil war).
RELATIONS WITH NATIONAL LIBERATION MOVEMENTS

During the years it dealt with the Portuguese conflicts, the ICRC sought to establish contact with national liberation movements. This was primarily to gain access to the Portuguese soldiers they were holding, and it met with limited success. The ICRC provided both medical and material assistance to some of these movements: the organization’s 1973 and 1974 annual reports show which groups received aid and to what extent, in the same list as government recipients. During this period, the Swedish Red Cross also provided (mainly medical) relief to certain groups in line with the Swedish government’s explicit policy of supporting liberation movements; it held discussions with the ICRC, but the two organizations did not coordinate their efforts. The ICRC maintained its traditional position of political neutrality and dialogue with all parties. Along these lines, the World Council of Churches (WCC) was engaged in its Programme to Combat Racism, which was created in 1969 and well funded. The WCC’s activist approach contrasted with the ICRC’s discretion. During the Nigerian Civil War, in which the state of Biafra attempted to secede, the ICRC’s neutral and impartial approach and the churches’ active involvement – largely in support of Biafra – gave rise to considerable tensions.

The ICRC’s relationship with the liberation movements was not limited to occasional assistance and efforts to visit prisoners they held: the organization also sought to ensure they applied international humanitarian law. At the time, the ICRC was also preparing for the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law. With the support of Switzerland (the depositary state of the Geneva Conventions and the host country of the Conference) and the OAU, the ICRC held a legal seminar in Dar-es-Salaam (Tanzania) from 21 to 25 January 1974 that brought together representatives from many liberation movements alongside the organizers and some diplomats accredited to the OAU. The instructions issued to the ICRC delegates (Jacques Moreillon, delegate-general for Africa, and Michel Veuthey, legal adviser) for this seminar were clear and included: “clarifying how national liberation movements fit into current international humanitarian law and the improvements that the draft Protocols presented by the ICRC can contribute (…); … the movements are called upon to apply and even make a declaration of intent or make more formal commitments vis-à-vis their obligation in this regard (…); help the liberation movements establish, if so desired, a joint position on purely humanitarian questions in view of the Diplomatic Conference (…) bearing in mind that the ICRC wishes to ensure that those engaged in fighting are able to express their point of view.”

These and other discussions, along with the work of the Diplomatic Conference itself, were taken into account in the development of Article 1.4 of Protocol I additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts of 8 June 1977.

67 These groups were: the Revolutionary Committee of Mozambique (COREMO), the Mozambique Liberation Front (FRELIMO), the National Front for the Liberation of Angola (FNLA), the People’s Movement for the Liberation of Angola (MPLA), the Pan Africanist Congress of Azania (PAC), the African National Congress (ANC), the Zimbabwe African National Union (ZANU), the Zimbabwe African People’s Union (ZAPU), the South West Africa People’s Organisation (SWAPO) and the African Party for the Independence of Guinea and Cape Verde (PAIGC).
68 The first session of the Diplomatic Conference was held from 20 February to 29 March 1974 in Geneva.
69 FRELIMO, ANC, ZANU, ZAPU, MPLA, FNLA, SWAPO, PAC and PAIGC.
70 Michel Veuthey had been working for the ICRC on the development of international humanitarian law since 1967, conducting research (which would be used at the Diplomatic Conference) into the applicability and application of humanitarian law to guerrilla movements. In 1976, he published Guérilla et droit humanitaire through the Henry Dunant Institute in Geneva (republished by the ICRC in 1983).
71 “Instructions communes en vue du séminaire” – CP/AR, dated 10 January 1974, as well as the official record of the OAU seminar on humanitarian law held in Dar-es-Salaam from 21 to 25 January 1974 (report written by the OAU’s Coordination committee for the liberation of Africa, undated) are available, with related documents, in the archives under reference number 8 AG 132 – OUA 018.
72 “The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination.”
### NIGERIA-BIAFRA WAR

Reporting in January 1966 on a long assignment that had taken him to 20 countries, Georg Hoffmann, the delegate-general for Africa, noted that the “limits of federalism, and Nigeria’s unity, were being tested.” During another visit to the country, in November and December of the same year, he noted that further massacres were possible following those in May and September, and he raised the possibility of an attempted secession by the eastern part of the country and a civil war. Civil war indeed broke out at the end of May 1967. This came on the heels of the state of emergency declared by General Gowon, the head of the Federal Military Government (FMG), and the eastern province of Biafra’s declaration of independence made by Lieutenant-Colonel Ojukwu, who was the Military Governor of the eastern region until that point. The FMG’s military operations began in early July (with a “declaration of war” issued on 11 August) and lasted until Biafra’s surrender on 14 January 1970.

The ICRC’s activities in Nigeria’s civil war were its largest since the Second World War and profoundly changed the organization. It began by meeting with prisoners held by federal forces in Makurdi Prison (starting on 23 July 1967) and continued with regular visits to those held by both sides. It did not, however, have access to civilian detainees on either side. Nor did it receive complete lists of people held. Widespread poverty and the famine that soon hit the Biafran side led the ICRC to provide food to government soldiers held by the secessionist forces.

Committee members kept tabs on the delegates’ work and were concerned about the escalating conflict. That said, they did not appear to grasp the scope of the conflict – or the humanitarian response called for – until early 1968 when the Committee deemed the manner in which the war was proceeding “unacceptable”, adding that “one could truly speak of genocide.” It is important to keep in mind that the ICRC was also involved in other major operations at the time: it was having a number of problems in Viet Nam, where it had already been active for several years; and its diplomatic energy and much of its resources were being absorbed by the Six-Day War, which broke out on 5 June 1967.

The ICRC appealed for mediation – even offering its own services – but was systematically rebuffed. The UN let the OAU handle things and limited its involvement to issuing general statements. With the exception of only a few States, the OAU sided with the FMG against the secessionist party, a stance it never altered. In early 1968, Catholic groups (through Caritas Internationalis) that had joined forces with Protestant groups gradually distanced themselves from the ICRC, which they considered overly legalistic or even pro-government, and started their own relief deliveries to Biafra. That initiative came to be called Joint Church Aid. The ICRC nevertheless seemed to be aware that this conflict was somehow unique and would have important ramifications on humanitarian action in general. Evidence of this view appears in Vice-President Jacques Freymond’s preface to the 1968 Annual Report, which was published in early 1969. In it, Freymond defends the ICRC’s role as coordinator of the relief effort and guarantor of humanitarian principles – and thus of truly humanitarian work. Such comments were a departure for the ICRC. They hint at its deep concern for what had been a complex and tricky operation from the start, and where its leadership role in the relief operation was not universally accepted.

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73 Minutes of the 13 January 1966 Presidential Council meeting – A PV C1 Pl 30 (1966).
74 Report to the Assembly during its 5 January 1967 meeting – A PVA Pl 30 (1967).
75 Marie-Luce Desgrandchamps provides a very good analysis in her 2014 doctoral thesis for the University of Geneva entitled L’humanitaire en guerre civile. Une histoire des opérations de secours au Nigeria-Biafra (1967-1970). Desgrandchamps’ work is in the process of being published and is available (in French only) in the ICRC’s library. See also her article “Organising the unpredictable: the Nigeria-Biafra war and its impact on the ICRC”, IRRC, Vol. 94, No. 888, Winter 2012, pp. 1409-1432.
76 The ICRC was alarmed by the summary executions of prisoners and by news of civilian massacres, and made an appeal to the belligerents on 21 October 1967. Delegates negotiated with both sides in December and January to allow a large-scale relief operation, but when one party accepted, the other refused. All the while, the situation continued to deteriorate, and other entities began to get involved, particularly church groups, which began providing relief and engaging in their own communications.
78 Although less costly, the ICRC’s activities in Greece following the military coup of 21 April 1967 also required its attention. With several operations going at once, the ICRC was thus spread thin in terms of funding and personnel.
79 Tanzania became the first country to recognize the State of Biafra on 13 April 1968. Gabon, Côte d’Ivoire and Zambia – but no others – followed suit that May.
80 “[I]t is thus possible not only to co-ordinate the relief actions, but also to conduct them in accordance with these principles without which there can be no humanitarian policy which is neither circumstantial nor opportunist, because, by asserting the obligation of coming to the aid of all victims wherever they may be, it forces one to look beyond the present conflict, thus offering the hope of continuity” – Annual Report, 1968, p. 7.
The League and the National Societies were also pressuring the ICRC to expand the scope of their work. This was led by Nordic National Societies, which were already providing a number of mostly medical teams (the Swedish Red Cross was the ICRC’s main operational partner in the Biafra conflict). The French Red Cross got involved on its own, at the start of the conflict, in keeping with the French government’s open support for Biafra.

On 9 April 1968, the ICRC received authorization from the FMG to conduct flights, at its own risk, from Santa Isabel to Uli on Biafran territory (night flights, with six planes). On 18 April, the ICRC also encouraged its partners in the Movement to expand their relief efforts, and on 24 April it kicked off its first targeted fundraising effort (with the slogan "SOS Biafra"). Port Harcourt, the Biafran “capital”, fell on 19 May, and the relief effort intensified. The ICRC lacked experienced delegates and approached Federal Councillor Spühler for help; he tasked Ambassador August Lindt with heading up the ICRC’s operations in Nigeria as general commissioner. Lindt, the former United Nations High Commissioner for Refugees, was working at the Swiss embassy in Moscow at the time. He attended a donors’ conference and a press conference held in Geneva on 14 July but only officially assumed his duties for the ICRC on 18 July. His orders from President Conard, received on 20 July, stated that “the ICRC authorizes Mr Lindt to fully represent the organization in its dealings with governments and governmental and non-governmental entities that were involved in the conflict in Nigeria or that might deliver relief to victims of the conflict. He therefore assumes full responsibility for the ICRC’s relief effort there”.

On 3 September 1968, the International Airlift West Africa (INALWA) relief operation got underway. It was based at the Santa Isabel airport on the island of Fernando Po, which was still Spanish territory at the time. It was a risky operation: on 4 November, the FMG informed the ICRC that it would no longer tolerate the night flights, which the ICRC nevertheless continued. Advances by the federal forces exacerbated the food shortage in the secessionist regions. Humanitarian workers themselves faced growing perils: on 30 September, two members of the ICRC’s delegation and two people working for the World Council of Churches were killed in Ogikw, which led the ICRC to reduce its local staffing.

Following the ICRC’s appeals issued in April and expanded in May, donations started to come in. They included Sfr 2 million from Switzerland and $2.5 million from the United States but, with no end to the conflict in sight, the ICRC remained concerned. It also continued to be criticized and even wondered if it should hand the relief operation over to the League. But the organization chose to stay the course and step up its appeals for additional resources, while at the same time seeking greater public visibility. It carried out fundraising missions in several countries and organized what was probably its first large-scale donor conference in recent history in Geneva, bringing together 34 European, North American

81 The Nordic National Societies’ “impatience” was reflected shortly after in a letter from the president of the Swedish Red Cross, Erik van Hofsten, to the president of the Standing Commission to suggest a more active role for the League in relief operations during wars and political crises. He cited in particular the League’s – and by extension the National Societies’ – expertise in relief activities (letter dated 5 August 1968 – SP 682). Van Hofsten’s letter provided arguments in favour of a greater role in international relief operations for the National Societies and the League – arguments deployed when the 1951 agreement between the League and the ICRC was revised. The secretary-general of the Swedish Red Cross, Olof Stroh, was particularly active in committing his National Society to this fight. Later, from January 1973 to March 1974, Stroh would lead the Indochina Operational Group, created in December 1972 by the ICRC, the League and a handful of National Societies.

82 In its 27 June 1968 meeting, the Presidential Council noted the lack of qualified delegates and proposed recruiting staff from “a large Swiss company” or asking the Swiss Federal Political Department (today’s Federal Department of Foreign Affairs) to make mid-rank diplomats available to the ICRC – A PV C1 Pl 16 (1968).

83 The document detailing Lindt’s orders does not seem to exist in the ICRC’s archives. The original is stored in the historical archives of ETH Zurich; a copy was made in 2014 and sent in a letter dated 13 June to the head of the Archives and Information Management Division by Thierry Germond, who was conducting research for the ICRC.

84 This territory, now known as Equatorial Guinea, gained its independence in December 1968. In response to pressure from Lagos, the new government banned all ICRC flights. After exploring various possibilities, the ICRC was finally able to set up a new logistical base in Dahomey (now Benin), and flights began on 28 January 1969. Flights from Santa Isabel resumed in March 1969 following negotiations.

85 Neither party accepted the ICRC’s proposals, in August 1969, to schedule flights during the day.

86 “Having committed nearly all the ICRC’s human and financial resources in this conflict, the Committee risks catastrophe should a new large-scale conflict erupt somewhere else” – Minutes of the 21 November 1968 Presidential Council meeting – A PV C1 Pl 16 (1968).

87 The head of the Biafra delegation, Karl Jaggi, wrote in his report to the Committee regarding criticism in the local media: “It is always difficult to make it understood why we must help both sides. The churches do not face this problem, which is why they have more popular support than we do” – Minutes of the 23 October 1968 extraordinary session of the Assembly – A PV A 31 (1968).

88 Minutes of the 3 October 1968 Assembly meeting – A PVA 31 (1968).
and African governments. The ICRC presented conference attendees with a four-month plan at an estimated cost of Sfr 100 million. The same day, 8 November 1968, the ICRC uncharacteristically published a long press release explaining its position. At the end of December, it secured the funding it needed for the plan, but it continued to seek financing throughout 1969 as it prepared a six-month plan and engaged in an intense coordination effort, especially with its Movement partners.

The ICRC’s operational efforts reached a peak in March 1969. It had 400 expatriates on the ground working alongside 1,700 local staff. It owned two boats, twelve airplanes and 415 land vehicles. It carried out 1,040 night flights from Cotonou and Santa Isabel to Biafra, delivering more than 10,000 tonnes of relief goods. Its efforts reached some 990,000 people on the government side and 960,000 on the Biafran side. Over a million children were vaccinated against smallpox and 350,000 against measles. The monthly budget, excluding contributions in kind, amounted to Sfr 14 million (around half of which went into transport costs).

June 1969 marked a turning point in several ways. On 5 June, a Swedish Red Cross plane being used by the ICRC was shot down by a Nigerian fighter jet, as the FMG reiterated its opposition to night flights. This led the ICRC to suspend airlifts on 11 June. It sought in vain to reach an agreement with the two parties in order to resume the flights. On 14 June, Lindt was declared persona non grata by the FMG; the general commissioner ended his mission with the ICRC on 19 June.90 At the end of the same month, the FMG publicly announced that it was relieving the ICRC of responsibility for coordinating the relief effort, a task that it shifted to its own National Rehabilitation Commission. The ICRC was still able to visit prisoners and carry out its Tracing Agency work. However, it was unable to obtain authorization to resume its relief work, despite high-level efforts that included visits by President Naville to Lagos in early July and by Paul Ruegger, former ICRC president and a member of the Committee at the time, to Biafra in mid-October.91 In July, the ICRC sought the support of the Vatican (Cardinal Villot) and of a number of African heads of state (including Houphouët-Boigny and Boumediene). They declared their support for the organization, but their efforts did little to get the relief operation back on track. Facing widespread hostility from the media in Lagos, the ICRC once again approached the two parties, this time citing Article 23 of the Fourth Geneva Convention.92 To no avail. Its planes remained grounded in Cotonou and Santa Isabel, while Joint Church Aid and the French Red Cross’s work in Biafra went forward. Finally, on 30 September, the ICRC transferred responsibility for the relief effort to the Nigerian Red Cross Society.93 On 19 December, the ICRC and the League issued another joint appeal for funding (Sfr 25 million) to cover the cost of relief efforts for the following four months.

In mid-January 1970, Lieutenant Colonel Ojukwu left Biafra for Côte d’Ivoire, and his chief of staff went to Lagos on 14 January to sign a surrender agreement. The ICRC continued to carry out its core tasks, however: in February, the organization visited another 1,200 prisoners in Port Harcourt.94 On 14 May, the Nigerian defence minister informed the ICRC that all prisoners had been released. In November, the task of repatriating around 5,000 Nigerian children who had fled to Côte d’Ivoire and Gabon began.

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89 The ICRC nonetheless honoured Lindt’s service in a message from President Naville and Vice-President Freymond that was published, along with Lindt’s letter of resignation, in IRRC, Vol. 9, No. 100, July 1969, pp. 356-363.
90 Following the resignation of Samuel Gonard owing to poor health and old age in late 1968, Vice-President Jacques Freymond served as acting president for the first six months of 1969, and Marcel Naville became president on 1 July 1969. When he assumed the presidency, Naville named Enrico Bignami, vice-president of Nestlé in Nigeria at the time, as his personal representative in that country. Bignami would later take on a similar role when he oversaw the ICRC’s relief operation in Bangladesh for a time.
91 “Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.” At the beginning of the operation, Jean Pictet had already conducted an indepth study on the applicability of Article 23 in that context: Interprétation de l’article 23 de la IVe Convention de Genève en regard de l’action du CICR au Nigeria, ICRC archives reference D1083, undated (but likely May 1968, following the authorization – or at least tacit acceptance – of flights by the FMG).
92 Some of the ICRC’s supplies were also transferred to church groups and the French Red Cross, which distributed them mostly in Biafra.
93 Over the course of the conflict, the ICRC carried out 93 visits to 2,500 prisoners in 93 different government detention centres and 82 visits to four different secessionist detention sites, where it visited 170 prisoners.
In a meeting held on 5 February 1970, the ICRC decided to officially end its work in Nigeria and published a long press release. The head of finance reported that all past and recent expenses stemming from the relief effort were covered. The final cost of the 18-month operation was published in the 1970 Annual Report and was estimated at Sfr 663 million. When the books were closed on the operation (at 31 March 1970), the total deficit – around Sfr 10 million – had been covered by the United States (which contributed S$2 million, the equivalent of Sfr 8.6 million) and Switzerland. The ICRC received most of its financial support from governments, but some National Societies helped out as well (led by those from the United Kingdom, Switzerland, the Netherlands, Denmark, the Federal Republic of Germany, the United States, Italy and Canada). As noted by J.-F. Golay, the way in which this operation developed over time “showed the need to separate operational work from both the ordinary budget and the Fund for Relief Actions and make a special budget on the basis of which specific appeals can be issued. It also made clear that the main source of financing is governments, which are the only contributors capable of quickly meeting the exceptional funding requirements of an operation of this type, and in this only a handful of governments stand out (the United States, Switzerland, the United Kingdom and the Federal Republic of Germany accounted for four-fifths of total government support, with the United States alone contributing nearly three-fifths).”

The ICRC's role in the Nigerian Civil War was a milestone for the organization. And given the abrupt manner in which its work came to an end, the organization felt it necessary to deliver a public reckoning of its experience. Pages 5 through 10 of the 1970 Annual Report contain the long press release of 5 February 1970 that summarizes and justifies efforts to maintain the ICRC’s neutrality and impartiality – in accordance with its mandate – in a highly polarized conflict. In an article appearing in the journal Preuves (Paris, first half of 1970) and then in the IRRC, Jacques Freymond concluded his broad analysis of the humanitarian effort in Nigeria with this comment: “The ICRC, while maintaining a right of humanitarian initiative, must always come back to the Geneva Conventions. It cannot set aside these rules that it helped put into place and that it calls on States to comply with. This explains the limits to its work in the secessionist region, limits that an ad hoc organization like Joint Church Aid need not respect, but that are incumbent upon an international organization that intends to operate far into the future”. Immediately after the conflict, Thierry Hentsch, a long-time ICRC employee who served in Nigeria and had access to a wide range of internal documents, wrote a book under Freymond’s supervision that provides a detailed account of the operation.

The ICRC also carried out an internal assessment, which looked at a number of aspects: compliance with international humanitarian law, internal organization, the political context and the role of the general commissioner (Lindt). The Assembly asked Roger Gallopin, former director-general and member of the Committee, to carry out this assessment. The various lessons learnt from this operation would have a bearing on the organization’s communication policy, how the work of the Movement partners was coordinated (including a revision of the 1951 ICRC/League agreement completed in 1969, and the

95. The American donation came as a surprise; Switzerland had already made an extraordinary donation of Sfr 8 million intended to fund the end of the operation. The Swiss donation was not withdrawn, however, which allowed the ICRC to fund a significant portion of its field activities in 1970 and 1971. The United States was an important and regular donor throughout the Nigeria-Biafra War. Clarence C. Ferguson (named coordinator for civilian relief in the Nigerian civil war by the US government in February 1969) was personally thanked by the Committee on 9 April 1970 for the United States’ outstanding support.
96. Financial support also came from individuals and from such organizations as the UN World Food Programme, the European Inter-Parliamentary Union, the World Council of Churches, UNICEF and Oxfam.
97. J.-F. Golay, Le financement de l’aide humanitaire. Exemple du Comité International de la Croix-Rouge, Peter Lang, Bern, 1990, p. 150. France – which had mostly sided with Biafra – and its “humanitarian arm”, the French Red Cross, did not provide financial support to the ICRC. They did, however, make some of their medical delegates available.
Tansley Report), and, in general, the ICRC’s operational decisions in the immediate aftermath (especially in Bangladesh and Angola).

It is also worth noting that Doctors Without Borders, originally a French association, traces its origins to the Nigeria-Biafra War and to a schism with the ICRC fuelled by its rejection of media discretion in favour of public condemnation.\footnote{When Doctors Without Borders was founded, on 22 December 1971, several of its original members had worked, or still worked, for the ICRC. See M.-L. Desgrandchamps, “Revenir sur le mythe fondateur de Médecins sans frontières : les relations entre les médecins français et le CICR pendant la guerre du Biafra (1967-1970)”, Relations internationales, No. 146, April-June 2011, pp. 95-108.}

\section*{ANGOLA}

In 1974, civil war among three liberation movements broke out in Angola as the country gained its independence from Portugal. The ICRC’s Executive Council reacted by advising against “launching into a Biafra-style feeding operation”.\footnote{Minutes of the 28 August 1975 Executive Council meeting – A PV C2 Pl 3 (1975). It was at this meeting that the Executive Council authorized a “traditional” operation (visiting prisoners) and medical aid. During its 12 June meeting, it had already authorized a six-month medical aid operation (which ran until the country’s independence on 11 November) with the stipulation that this “excluded any relief action”. In fact, Angola would eventually become one of the ICRC’s largest food-relief operations.} The ICRC’s subsequent action in Angola, in addition to meeting a clear humanitarian need, would provide the organization with an opportunity to redeem itself in Africa.\footnote{As was observed in the Executive Council: “for many years, the ICRC has had a terrible image in Africa, which makes work difficult for our regional delegates (…) for the first time in its history, the ICRC has unanimous support in an African country (…) the situation there can be qualified as an internal disturbance. We therefore have a legal basis”– Minutes of the 26 June 1975 Executive Council meeting – A PV C2 Pl 3 (1975).}

Gilbert Etienne, a Committee member and specialist in development, carried out a long assignment in Angola accompanied by Frank Schmidt, the delegate-general for Africa. They recommended that the ICRC gradually expand its humanitarian response beyond the medical realm to include material relief.\footnote{The evaluation took place between 30 August and 13 September 1975. Etienne and Schmidt’s report is attached to the minutes of the 24–25 September 1975 Assembly meeting – A PVA Pl 37 (1975).}

The ICRC opened a delegation in Luanda on 11 June 1975, which it built up over the following months. On 12 June, the first relief flights reached Luanda; they were initially run by the European Economic Community and Switzerland; the latter financed a DC-6 airliner.\footnote{Before it entered into service on 7 September, all parties agreed in writing to allow the plane to fly over the entirety of Angolan territory and have landing rights at all the country’s airports. This agreement was respected until Angola gained its independence on 11 November, at which point the plane returned to Switzerland. Post-independence negotiations with the various parties proved difficult and ultimately fruitless.}

On 17 August, ICRC delegates began to visit prisoners held by the People’s Movement for the Liberation of Angola (MPLA) and the National Union for the Total Independence of Angola (UNITA), while the National Front for the Liberation of Angola (FNLA) did not provide access to its prisoners until 2 October. The volatile military situation made it difficult for the ICRC to carry out follow-up visits. Several National Societies (France, Denmark and Sweden) provided support, largely in terms of medical and surgical assistance.

\section*{BURUNDI}

On 29 April 1972, a group of Hutus seeking to overthrow the minority Tutsi government attempted a coup d’état. The government accepted the ICRC’s offer of services in response to the ensuing violence and authorized the ICRC and the League to send staff into the southern regions of the country that were hardest hit by the turmoil.\footnote{A report made to the Presidential Council at its 1 June 1972 meeting referred to 50,000 dead – A PV C1 Pl 19 (January 1972–July 1973).} The two organizations’ efforts were frustrated, however, by the government’s refusal to allow expatriates to monitor relief distributions. This led the ICRC to withdraw from the operation at the end of July and turn its relief supplies over to the League, which assumed responsibility for distributing them together with the Burundi Red Cross.\footnote{The ICRC nonetheless expressed its displeasure at being cut out of the equation by the League, which had negotiated with the Burundi Red Cross without informing it. This, according to the ICRC, was in violation of the 1969 agreement between the two organizations. See minutes of the 17 August 1972 meeting of the Presidential Council – A PV C1 Pl 19 (1972–1973).}
ETIOPIA AND ERITREA

The ICRC expanded its network of contacts in Ethiopia when it opened a regional delegation in Addis Ababa in August 1970. Yet it was unable to directly address the question of Eritrea, a territory where a “civil war” and widespread famine had raged since the early 1960s. Ethiopia, still run by the authoritarian regime of Emperor Haile Selassie, had been experiencing growing violence since the end of February 1974, which prompted the ICRC’s offer to visit detention centres there. An offer submitted on 15 July 1974 was accepted, and the ICRC met with 16,580 detainees in 26 detention centres. The emperor was deposed and arrested on 11 September 1974, but this did not put an end to the ICRC’s work; its delegates even visited the incarcerated emperor and his family. In December 1974, Jacques Moreillon, the delegate-general for Africa, addressed the question of Eritrea head on, offering the ICRC’s services pursuant to Article 3 common to the Geneva Conventions. In January 1975, staff were sent to Asmara but had to abandon their efforts on 31 January as fighting intensified. In February and May 1975, the ICRC submitted further offers to provide relief efforts in conjunction with the Ethiopian Red Cross Society, but they were not accepted. The ICRC nevertheless made several deliveries of medicines to the liberation movements (the Eritrean Liberation Front and the People’s Liberation Front), with which it was in contact. The ICRC also coordinated with these movements to deliver family messages and relief to seven Western hostages held by them at the end of 1975.

WESTERN SAHARA

Fighting broke out between the Moroccan armed forces and the Polisario liberation movement following Morocco’s military intervention on 31 October 1975 in the then-Spanish colony of Western Sahara and the “Green March” initiated by the king of Morocco. This situation led the ICRC, in December 1975, to assess the humanitarian situation among the Sahrawi refugees in Algeria (who supported the Polisario Front) and in the territory of the Western Sahara. The League added its own observations following a similar mission to Algeria that was run jointly with the Office of the High Commissioner for Refugees. The ICRC and the League then issued a joint appeal for relief for the Sahrawi people located both in Algeria (in a League-led operation) and on their own territory (in an ICRC-led operation that included activities carried out on behalf of people entitled to protection under international humanitarian law).

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108 President Naville met Selassie in Addis Ababa in July 1971.
109 This visit occurred from 11 to 13 December 1974 in Addis Ababa. Selassie had ruled Ethiopia since 1916; he was proclaimed emperor in 1930, but his reign was interrupted from 1936 to 1941 by the Italian occupation. He died in prison on 27 August 1975.
110 At the same time, the Executive Council was considering transporting relief items to Iraqi Kurdistan via a third country (Iran or Turkey), but abandoned this solution. It rejected this sort of third-country approach in Ethiopia in favour of persuasive negotiations with the military government (the Derg). See minutes of the 6 and 20 February 1975 meetings of the Executive Council – A PV C2 Pl 3 (1975).
THE ICRC’S WORK IN LATIN AMERICA

In the 1960s, the political theme in most Latin American countries was revolution – not against colonial powers, as in Africa, but against authoritarian regimes (or those perceived as such). Many uprisings were inspired by the one in Cuba. National Red Cross Societies, which were often closely linked to governments, struggled to establish their own identity and finance activities for communities in need in their respective countries.\(^{111}\)

In the same spirit that took him to Africa in 1962, Samuel Gonard engaged in a long tour in the Americas in February and March 1967: he went to Washington and New York, and then continued on to Mexico (where he met with José Barroso, the president of the League of Red Cross Societies), El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Venezuela and Jamaica. He reported much apathy among the heads of the National Societies.\(^{112}\) In 1969, Marjorie Duvillard, a Committee member, took the time to visit the National Societies in Argentina,\(^{113}\) Bolivia,\(^{114}\) Chile, Uruguay, El Salvador and Venezuela while on assignment for the International Council of Nurses. A general comment by the Committee is worth noting: “During her trip, Ms Duvillard observed that, while there are wide differences among the various Latin American countries, there are also many commonalities: language, political instability, poverty, illiteracy, and the struggle against communism, which some fight through agrarian reform and others through repression”.\(^{115}\)

REGIONAL DELEGATION IN CARACAS, VISITS TO SECURITY DETAINEES

The ICRC focused on three types of work in Latin America: expanding visits to detention centres, strengthening ties with the National Societies and spreading awareness of humanitarian principles. These activities would be confirmed in the mandate of the first regional delegation on the continent, which was opened on 19 August 1971 in Caracas (the second one opened in Buenos Aires in March 1975).\(^{116}\) They were also closely related, as noted by President Naville at the end of 1970, returning from a visit to Panama and Venezuela (where he had also attended the Inter-American Conference of the Red Cross). Reporting a high level of interest in humanitarian law, he also said that “[the National Societies] feel as if an explosion is about to happen on their continent; they realize that they may become involved in internal conflicts and they are not prepared for it, since the governments have tended to confine them to peacetime activities; complicating matters, they have no legal basis for their work”.\(^{117}\)

Having been welcomed in several countries, the ICRC carried out visits – although largely sporadic – to security detainees in the Dominican Republic (1961, 1965), Argentina (1963), Brazil (1964), Venezuela

\(^{111}\) As Serge Nessi, delegate-general for Latin America, remarked in 1970, “The first concern for these National Societies – particularly the Bolivian Red Cross – is to survive, and to find the funding necessary for their survival” – Minutes of the 12 February 1970 Presidential Council meeting – A PV CI Pl 18 (1970).


\(^{113}\) In her report to the Assembly, Duvillard noted: “the Argentine Red Cross’s activities are practically non-existent”, and “as for the promotion of IHL, no one is handling it” – Minutes of the 30 April–1 May 1969 meeting – A PV A Pl 32 (1969).

\(^{114}\) In Bolivia, Duvillard also visited guerrilla fighters detained in Camiri, including Régis Debray.

\(^{115}\) Minutes of the 30 April–1 May 1969 Assembly meeting – A PV A Pl 32 (1969).

\(^{116}\) These goals, and the opening of the Caracas regional delegation with the full support of the Venezuelan Red Cross, were announced in “The ICRC in Latin America” in ICRC Vol. 11, No. 127, October 1971, pp. 562–565. Jacques Moreillon, the first regional delegate, was in fact an expert on security detainees, having written a doctoral thesis on the subject. Whether or not the ICRC should have a more permanent presence in Latin America had often been brought up in previous years: during the 2 March 1967 Assembly meeting, for example, Vice-President Freymond responded to a report by Delegate-General Pierre Jequier by stating that the question was “still open” – A PV A Pl 30 (1967). Opening a delegation was clearly not considered a priority at the time, owing in particular to a lack of resources. In a rare Assembly debate on the subject, in June 1969, it was proposed that the ICRC “develop a real policy on Latin America” – Minutes of the 4–5 June Assembly meeting – A PV A Pl 32 (1969).

In 1969, the ICRC visited security detainees in Bolivia, Guatemala, Mexico, Panama, Peru and Venezuela, seeing some 500 detainees in a total of 27 prisons. In 1970, the ICRC visited around 500 security detainees held in 70 prisons spread over 11 countries: Bolivia, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Peru, El Salvador and Venezuela. In 1971, it began or continued visits in Argentina, Bolivia, Chile (where the ICRC undertook protection-related activities during Salvador Allende’s presidency), Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Peru and Venezuela. In 1972, the ICRC expanded its detainee work to include the following countries: Brazil, Costa Rica, the Dominican Republic, Honduras, Jamaica, Paraguay and Uruguay. Through the end of 1970, these visits were usually carried out by the Geneva-based delegate-general, who would make an extended trip to several countries at a time.

The ICRC’s work was increasingly focused on protection efforts on behalf of security detainees. This was the case in all regions, but especially Africa and Latin America, where it was among the priorities of the newly established regional delegations. But not all members of the Committee approved this trend, with some advising caution, “in the belief that this type of activity is not the responsibility of the organization, which must not turn into a Human Rights League. This activity, if unchecked, could take the organization far afield and undermine governments’ trust in us.”

WAR BETWEEN EL SALVADOR AND HONDURAS

At a time when it was preoccupied mainly with situations of violence or internal tensions, the ICRC did take action in the brief 1969 war between El Salvador and Honduras, an international armed conflict. Violence at football games between the two countries in June preceded the hostilities, which began on 14 July when Salvadoran forces entered Honduran territory in several places. The rising tensions caused thousands of Salvadorans to flee their homes in Honduras and prompted the National Societies to receive these “refugees” and set up information bureaux in the two countries. The ICRC supported these efforts, sending Delegate-General Serge Nessi to the border at the end of June. In terms of the conflict itself, the ICRC visited and helped Salvadoran internees in Honduras and Honduran internees in El Salvador (pursuant to the Fourth Geneva Convention) and visited prisoners of war and assisted in their release and repatriation (pursuant to the Third Geneva Convention). The ICRC did not need to issue a fundraising appeal for the relief effort thanks to the solidarity displayed by other countries’ National Societies (mainly in South America) and by many governments and other organizations. The ICRC’s work ended on 6 October, when the last Honduran civilian internees held in El Salvador were repatriated. The Committee had followed the operation closely (receiving, for example, an oral report at the 7 August 1969 Assembly meeting). It welcomed the fact that the Geneva Conventions were applied and that the National Societies of the countries most directly affected (El Salvador, Honduras and Guatemala) cooperated so effectively with each other and with the Organization of American States, which played an active and effective role as mediator.

118 In his mission report of 23 January–3 February 1967, Serge Nessi, the delegate-general for Latin America, aptly described the difficulties encountered during visits to two prisons where regular and “political” prisoners were held together. Negotiations (including with Haitian President François Duvalier) to expand the visits or repeat them according to the ICRC’s stipulations were unsuccessful.
119 See references by country in the archives under the corresponding reference numbers in the B AG collection and in the ICRC’s annual reports.
120 In Guatemala, it visited seven detention centres and some 60 detainees. “Furthermore, on 3 April, the Government of the German Federal Republic (GFR) requested the ICRC to intervene in favour of the Ambassador of the German Federal Republic to Guatemala, who had been kidnapped on 31 March. The following day, Mr Leemann, who was then in Central America, was already in Guatemala City. However, all appeals made to the kidnappers over the radio and through the press that the life of the Ambassador be spared and offering ICRC mediation unfortunately remained without avail. On 5 April, the German diplomat was found murdered”—Annual Report, 1970, p. 20.
122 The ICRC’s first action in Latin America was also in the context of an international armed conflict: the so-called Chaco War (1932-1935) between Paraguay and Bolivia, during which the ICRC mainly visited prisoners of war.
123 The ICRC provided a detailed public record in “The ICRC action during the conflict between Honduras and El Salvador (from July to October 1969),” IRRC, Vol. 10, No. 107, February 1970, pp. 95-105. The cover of the 1969 Annual Report featured a photo of an ICRC-assisted repatriation that took place during this operation.
124 Information provided to the 4 August 1969 Presidential Council meeting – A PV C1 Pl 17 (1969).
CUBA

The ICRC was active in Cuba starting with the Cuban Revolution, but its many attempts to visit security detainees in the country – beginning in December 1966 with Delegate-General Pierre Jequier’s visit to Havana – were all denied. The ICRC described these futile efforts in its 1966 and 1968 annual reports. Further requests in Havana in 1969 and in Geneva in 1970 (meeting between President Naville and the Cuban ambassador) were also denied.

BRAZIL

The ICRC began to take an interest in Brazil’s Indians in 1969 in response to requests from a number of National Societies and other organizations. The topic was raised in the Assembly that year and discussed again in January 1970 with the Brazilian Ministry of the Interior. A fact-finding team led by Delegate-General Nessi went to six Brazilian states from 10 May to 11 August and met with more than 20 tribes, together representing around a third of the Amazon’s Indian population. The team included representatives of the National Societies of the Federal Republic of Germany, the Netherlands and Sweden (which together paid for the trip) as well as a Swiss ethnologist. The IRRC, in its June, July and August 1970 editions, reported on the mission and its focus, i.e. medical concerns. In June 1971, it published the main observations contained in the report submitted to the Brazilian government and the Brazilian Red Cross. The final report, which was prepared by the ICRC, the Brazilian Red Cross and the National Indian Foundation, laid out a five-year programme of medical aid. After months of discussions in Brazil with European Red Cross Societies and the League concerning follow-up work and fundraising (the National Societies of the Federal Republic of Germany, Switzerland, Denmark, Sweden, Ireland and the Netherlands would provide support), the ICRC finally submitted the programme to the League in August 1973. For the ICRC, this was an innovative initiative that was a departure from its normal work under the Geneva Conventions. The programme responded to the needs of the largely neglected Indian people, who were also victims of violence by private companies and Brazilian “colonists”. That said, the ICRC had no intention of going any further with what it considered a health and social development programme.

At the end of 1969, Delegate-General Nessi raised the issue of security detainees with the Brazilian government and, thanks to the support of the president of the National Society, won some concessions. In February and March 1973, Eddy Leemann, an ICRC delegate based in Caracas, made “all-detainee” visits as part of a trip billed as a prison health assessment; he visited 12 prisons in three states (Guanabara, Paraná and Grande do Sul), where he met with several security detainees. Following additional requests, including from the ICRC president, and an agreement between the government and the National Society, two series of visits took place from 7 July to 1 August and from 17 November to 10 December 1975. The prisons visited were in the states of Paraná and Rio Grande do Sul, as well as in Rio de Janeiro, São Paulo, Belo Horizonte, Salvador de Bahia and Fortaleza. A total of 80 security detainees were registered. According to the report, the ICRC delegates were able to follow their normal procedures, including private meetings, despite the presence of a representative of the Brazilian Red Cross. Authorizations were granted by the state authorities, as the central government had clearly

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126 The ICRC was also displeased by (equally unsuccessful) attempts by José Barroso, president of the Mexican Red Cross and of the League of Red Cross Societies, to provide aid to security detainees in Cuba. See minutes of the 2 March 1967 Assembly meeting – A PVA Pl 30 (1967). Delegate-General Serge Nessi later remarked that when it came to Barroso’s own country, the president provided the ICRC no support in visiting security detainees. See minutes of the 12 February 1970 Presidential Council meeting – A PV C1 Pl 18 (1970).
127 See minutes of the 2 October 1969 Assembly meeting – A PVA PI 32 (1969).
129 Brazil had been ruled by a military dictatorship since 1 April 1964.
130 In 1972, Rear Admiral (retired) Perreira de Beauclair supported the ICRC’s activities, though this cannot be said of Trevor W. Sloper and Mavy Harmon, Perreira’s successors as president.
131 Leeman only registered around ten security detainees (out of an estimated total of 500, according to media reports). The detention centres were run by provincial branches of the ministries of justice and of the interior.
indicated its reluctance. But only civilian prisons were visited; the ICRC did not have access to prisons run by the army or the police. The 1973 and 1975 visits were not followed up in subsequent years.

BOLIVIA

On 22 August 1971, General Hugo Banzer toppled the government of President Juan José Torres in Bolivia. The subsequent military dictatorship lasted until July 1978. The ICRC arrived on 26 August 1971 with an airplane full of medical and relief supplies. The organization was already well acquainted with this country, and Delegate-General Nessi had just completed an assignment there, from 27 July to 2 August, during which he had introduced the new regional delegate, Jacques Moreillon, to various organizations in La Paz. The ICRC’s work was quickly approved by the new government, and on 31 August, Moreillon began a series of visits to detention centres in La Paz, Cochabamba, Santa Cruz, Sucre and Potosí, where hundreds of people were being held. The ICRC continued visiting detainees until 14 January 1972, providing them with extensive relief and medical assistance (some of which came from the National Societies of Venezuela, Peru and Ecuador).

CHILE

In 1973, the ICRC started a large-scale operation in Chile. On 11 September 1973, the Chilean armed forces led by General Augusto Pinochet brought down the government of President Salvador Allende, who had been elected in 1970. The ICRC had carried out occasional visits to security detainees under the Allende government and was already prepared for just such an emergency: during a visit to the country from 28 August to 4 September 1973, Delegate-General Nessi, together with the Chilean Red Cross and the government, had examined the eventuality of involvement under Article 3 of the Geneva Conventions. He had also pre-emptively set up a radio (with the government’s knowledge) in the National Society’s office, which would facilitate communications shortly thereafter. Closed borders prevented two ICRC delegates, Eddy Leemann and Dr Erwin Spirigi, from reaching Santiago until 20 September (although the Chilean Red Cross secured their safe conduct). Once in the capital, they presented the deputy minister of foreign affairs with the ICRC’s offer to visit detainees.132 The terms granted to the ICRC by the ministries of justice and the interior were quite broad from the outset, including private meetings and the right to visit at any time, although the delegates encountered local resistance. In the last three months of 1973, the ICRC expanded the scope of its efforts (going from 10 to 18 delegates) and shifted them to the occasional budget (Sfr 2.6 million in 1973; Sfr 1.6 million in 1975). In early December, the delegate-general received fresh authorization from the ministry of defence authorizing ICRC delegates to visit, “without limits, detainees in the detention camps, prisons and regiments and to meet with civilian and military detainees being held secretly or hospitalized.”133 The first visit was to the National Stadium in Santiago on 22 September, where 75,000 detainees were being held. The ICRC would visit this site 17 times before it was shut down.

The ICRC aimed to visit as many detention centres as possible: detainee camps, military camps, regiments, ships and civilian prisons. Between 22 September and 31 December 1973, 114 visits were made to 61 different detention centres, where delegates met with some 19,000 detainees. Chile was nevertheless a dilemma for the organization, which was fully aware of a certain ambivalence towards its work and the limits of its impact. This was reflected in an observation by the Executive Council: “This country provides the ICRC with a broad scope of action, but at the same time carries out so many summary executions. Isn’t the ICRC’s work on the verge of becoming a travesty of humanitarian action?”134 The Council prepared an interim assessment in mid-1974, in which it noted the delegation’s view that the visits to security detainees, while important, were not having enough impact. But it was still deemed necessary to carry on work that might reduce abusive treatment and disappearances, even if the situation was not considered subject to the Geneva Conventions. The Council acknowledged the

132 Note verbale dated 21 September 1973 from the regional delegate for South America to the minister of foreign affairs.
133 Written authorization from the national defence ministry, dated 7 December 1973.
challenges of working in a climate of mistrust, where the government did not explain the restrictions it imposed. The ICRC continued its visits in subsequent years, attempting to expand its scope of action to include prisons controlled by the security apparatus (the Dirección de inteligencia nacional, DINA, headed by Manuel Contreras). But it never gained access to these prisons, with one exception: starting in March 1975, the organization was able to visit detainees held in the Santiago neighbourhood of Cuatro Alamos in return for agreeing, during its first visit, not to insist on private meetings. It felt this was worth the trade-off.

In a decree dated 11 September 1974, the Chilean government decided to release some detainees as long as they left the country. After careful consideration, the ICRC agreed to lend its support to this operation, especially since other organizations were involved, including the Fundación de Ayuda Social de las Iglesias chilenas. The ICRC limited its role to recording the detainees’ response to the government’s proposal; 450 detainees were freed and expelled in this way. One year later, in November 1976, the Chilean government announced that it would release all detainees in view of the state of siege in the country.

ARGENTINA

The ICRC began visiting security detainees in Argentina in 1963. For several years leading up to the period covered by this study, the organization had been closely following the growing strength of revolutionary movements (including the Montoneros) and widespread instability in the country. In July 1971, with the government’s authorization, it visited security detainees in several prisons. Additional visits were carried out in 1972 and 1973. During a trip to South America to participate in the Inter-American Conference of the Red Cross from 18 to 23 November 1974, ICRC President Eric Martin observed the very tense situation in Argentina, bordering on civil war. In order to expand its network of regional delegations and relieve pressure on Caracas, the ICRC signed a headquarters agreement with the Argentine government on 13 March 1975, allowing it to open a regional delegation in Buenos Aires.

135 Minutes of the 22 May 1974 Executive Council meeting – A PV C2 Pl 2 (1974). Visits were suspended at this time (1 May–30 June 1974), since written authorizations had not been renewed. Delegate-General Nessi’s June 1974 visit was intended to clarify and resolve the situation by establishing clearer conditions for the terms granted to the ICRC.
136 The detainees at Cuatro Alamos had been held in secret for a long time (the ICRC had put them on its list of disappeared people). They had been mistreated and had lost all contact with the outside world, receiving absolutely no help.
137 The ICRC was also visiting security detainees in neighbouring Uruguay at the time, where the Tupamaros movement was engaged in violent action against the military government and foreign interests: the Tupamaros had begun taking hostages in 1970, including the British ambassador in January 1971.
138 The conference was held in Asunción, Paraguay, where the ICRC president met with the head of State, General Alfredo Stroessner, who was in complete control of the country at the time. The ICRC was permitted to visit several detention facilities in Paraguay in 1972 and 1974.
THE ICRC’S WORK IN ASIA

As reflected in the title of this study, the ICRC was active in the conflict in Viet Nam throughout the period under review. But the organization was never satisfied with its work there, since it did not have access to North Viet Nam, and many governments also felt it should have done more. The ICRC became active across South-East Asia during this period, and it carried out one of the largest humanitarian efforts of the time on the Indian subcontinent from 1971 to 1974.

The ICRC was aware that – as in Africa – it was not well known in Asia nor well acquainted with the continent. It sought to redress the situation by expanding its network of contacts in the countries of the region. In January and February 1967, ICRC President Samuel Gonard visited Malaysia, Indonesia, Burma (the home country of the UN secretary-general, who appreciated the ICRC’s interest), East Pakistan (now Bangladesh), Nepal, India (where he met Indira Gandhi) and Afghanistan. Accompanied by his wife and the ICRC’s operational heads, Gonard met with political leaders and the National Societies (and witnessed some of their work first-hand). He brought up general issues, such as raising awareness of the Geneva Conventions and drumming up support for the ICRC, and sought diplomatic backing for the organization’s work in Viet Nam. President Gonard delivered a long report on this trip to the Assembly on 6 April 1967.

The organization clearly recognized the need to learn more about Asia and spread the word about the ICRC, not only among governments but also among the public (through conferences and press communications).

REPATRIATION OF NORTH KOREANS LIVING IN JAPAN

Around 600,000 North Koreans still lived in Japan at the end of the Second World War – an indirect result of Japan’s colonization of Korea in 1910. An agreement signed in Calcutta on 13 August 1959 between Japan and the Democratic People’s Republic of Korea (North Korea) authorized North Koreans living in Japan to return to North Korea if they so desired. The National Red Cross Societies of these two countries were put in charge of the repatriation in 1959. The ICRC acted as an adviser and focused on verifying the North Koreans’ willingness and ability to go back (they could not be forced to return or prevented from returning). The process began in 1959, and large numbers of people migrated during the first three years. It ended in December 1967 after Japan decided not to extend the initial deadline. The last migrant transfer overseen by the ICRC took place on 22 December 1967. At that point, just over 8,800 North Koreans had taken advantage of the programme, while 17,000 others were unable to do so before the agreement ended. On 2 April and 10 September 1968, the ICRC tried to encourage the two National Societies to repatriate the remaining North Koreans, but the diplomatic stalemate convinced it to abandon the effort. At the 6 April 1967 Assembly meeting, Michel Testuz, the ICRC delegate who oversaw the last phase of the operation in Tokyo, delivered a detailed report. Seeing that the
two National Societies took no initiative of their own and submitted to their respective governments’ decisions, the ICRC officially ended this action in June 1968.144

VIET NAM

“The positions of the parties concerned did not change from the first years of the ICRC’s involvement in the Viet Nam conflict until the war’s denouement:

- The Democratic Republic of Viet Nam [DRVN] refused to let delegates visit the prisoners it was holding or to even make contact with them; their reason for refusing was that the pilots that bombed North Viet Nam were criminals; Hanoi never made a distinction between the ICRC and the West;
- The Republic of Viet Nam refused to let ICRC delegates hold private meetings with the civilian detainees they were holding, and strict restrictions were applied to POW visits.

On 11 June 1965, in an effort to break through this double stranglehold, the ICRC simultaneously called on all parties concerned to comply with the entirety of the Geneva Conventions. Unfortunately, this attempt ended in failure.”145

The 11 June 1965 appeal became the ICRC’s key legal document in relation with this war:146 its content was used in subsequent documents, appeals and correspondence. The appeal was issued in a pivotal year of the conflict: an American expeditionary force had replaced the country’s “advisers”, in part owing to the capture of US pilots and soldiers by North Viet Nam and the National Liberation Front (NLF). Responses to the appeal led the ICRC to work differently with each side of the conflict. The United States agreed to comply with the Geneva Conventions, as did the Republic of Viet Nam (although in slightly vaguer terms) and, later, their international allies. The United States hoped to obtain reciprocity regarding the Third Geneva Convention and the treatment of fighters captured by the North and its ally the NLF. Yet Hanoi firmly rejected the ICRC’s entreaty and all those that followed.

In July 1965, soon after Saigon and Washington replied to its appeal, the ICRC opened a delegation in South Viet Nam with André Tschiffeli at the helm. This delegation had only two delegates until the end of 1965, with two more added in 1966. It was headed by seven different people between July 1965 and July 1970; 36 delegates and medical delegates passed through over the same period, staying for less than two months on average.147 This revolving door, coupled with a shortage of resources, goes some way towards explaining the lack of consistency in the ICRC’s activities during this period, which was a matter of intense debate within the Committee itself.

The Viet Nam War and the ICRC’s involvement were discussed, to a greater or lesser extent, at all meetings of the Assembly and the Presidential Council during this period; in addition, a number of exceptional meetings were held to examine a specific point, make a decision or receive a report. The ICRC also sought a dialogue with North Viet Nam and the NLF through a wide range of channels, both direct and indirect, a number of times. The first was a January 1966 meeting between the head of delegation and the NLF’s representative in Algiers, Mr Tham, who said: “Asia does not believe that the ICRC or Switzerland is neutral”.148 The ICRC repeatedly offered its services to North Viet Nam, including in a meeting between President Gonard with the North Vietnamese chargé d’affaires in June 1966 in Moscow, where the

144 Minutes of the 5–6 June 1968 Assembly meeting – A PVA Pl 31 (1968). On 3 February 1971, the Japanese and North Korean Red Cross Societies signed an accord on the repatriation of somewhere between 15,000 and 17,000 Koreans still in Japan. The ICRC played no role.

145 Perret and Bugnion, op. cit., p. 400. At the end of their chapter on the ICRC’s action in Viet Nam (1957–1965), the authors note that the ICRC’s efforts during the war in Viet Nam through to the Paris Accords (27 January 1973) and the fall of Saigon (29 April 1975) were a failure, the causes of which were already evident in 1965.

146 In it, the ICRC called for the four Geneva Conventions to be fully respected. The appeal was also published in “Respect for the rules of humanity in Vietnam”, IRRC, Vol. 5, No. 53, August 1965, pp. 417-418.

147 “Action du CICR au Vietnam 1965–1972”, SP 812, dated 7 July 1972 – B AG 025. The ICRC’s annual reports also include the number of staff at the Saigon delegation, which never surpassed eight delegates, no more than half of whom were doctors.

148 Remark conveyed to the Committee by Jacques de Heller: see minutes of the 6 June 1966 Assembly meeting – A PVA Pl 29 (1966). The ICRC, which considered the NLF to be a party to the conflict in its own right, sought to maintain contact with it in various Asian and European countries (in Moscow, Prague and Paris, for example) and at conferences.
The ICRC continued to seek diplomatic backing in its quest to build a relationship with North Viet Nam. President Gonard seized the opportunity on several visits to governments ideologically close to Hanoi, first in Eastern Europe – Warsaw (April 1966), Bucharest, Sofia, Belgrade (May 1966) and Moscow (June 1966)\(^{150}\) – and then in Asia – Jakarta and New Delhi (February 1967; including in a meeting with Indira Gandhi). Apart from asking the ICRC to first condemn the US bombing campaign, political leaders (and sometimes the heads of these countries’ National Societies) unhelpfully advised the organization to try to establish contact with Hanoi. The ICRC recognized the “increasingly obvious need to restore ties with Beijing and find a way into Hanoi, and no stone must be left unturned in this pursuit. This must remain the ICRC’s main policy objective in the coming year.”\(^{151}\)

In a bid to generate support among donating countries and organizations, the public, and its partners within the Movement, the ICRC published a long report on its work in Viet Nam – and the limits placed on it – in the IRRC in August 1966.\(^{152}\) Between 1965 and mid-1972, the ICRC attempted to start a dialogue with Hanoi about the application of international humanitarian law in general – and protections for prisoners of war in particular – on some 30 occasions (in meetings or letters). It also made around 20 requests for visas or meetings with North Vietnamese officials. In 1966, President Gonard made several trips to Eastern Europe (including the USSR, Czechoslovakia, Poland, Bulgaria and Romania) in search of diplomatic support. To no avail.

Although its protection activities were limited to mere offers of service, the ICRC was able to direct some relief aid towards North Viet Nam, with occasional help from the Alliance of Red Cross and Red Crescent Societies of the USSR. This aid – funded by contributions from numerous National Societies and other organizations (such as Oxfam and the World Council of Churches) – included two field hospitals (with an operating theatre), a shipping container for transporting goods, an electric generator, drugs and other medical supplies.

On 9 February 1968, the ICRC issued an appeal to the belligerents following the Tet Offensive.\(^{153}\) Acting on the basis of Resolution XXII of the 17th International Conference (Stockholm, 1948), the ICRC consistently passed on both sides’ complaints of alleged violations of the law of war and of international humanitarian law. Between February 1963 and June 1972, the ICRC received 20 complaints from the Red Cross of the Democratic Republic of Viet Nam regarding the aerial bombing of civilians by South Viet Nam and, starting in February 1965, by the United States. The ICRC discussed this issue with the American Red Cross and raised it directly with the United States government, at the US permanent mission in Geneva and in Washington. The United States and South Viet Nam also lodged complaints, mainly concerning the treatment of POWs and their public display, which the ICRC passed on to Hanoi. The conflict in Viet Nam was on the agenda of numerous high-level meetings between ICRC officials (including the president), the American authorities and the UN secretary-general.\(^{154}\) Of particular interest

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150 As early as April 1967, Vice-President Siordet had unsuccessfully attempted to gain the support of Georgy Miterev, president of the Alliance of Red Cross and Red Crescent Societies of the USSR. Siordet reported that “Professor Miterev considered the ICRC’s approach and actions to be unrealistic. According to him, the focus should be on ending hostilities rather than alleviating suffering” – Minutes of the 28 April 1966 Presidential Council meeting – A PV C1 Pl 14 (1966).
151 Minutes of the 5 January 1967 Assembly meeting – A PVA PI 30 (1967). The Chinese government, which felt the ICRC’s primary duty should be to condemn the American bombings, did not provide much support. When visiting Beijing a few years later, President Naville was assured by the Chinese deputy prime minister that “if the ICRC upheld just causes, it would have China’s full support” – Minutes of the 14 October 1971 Assembly meeting – A PVA PI 34 (1971).
152 “The International Committee and the Viet Nam Conflict”, IRRC, Vol. 6, No. 65, August 1966, pp. 399-418. This report also includes the ICRC’s action in Laos and Cambodia and details the use of donations earmarked for South-East Asia. While it continued to publish information on its activities in the region in subsequent issues of the IRRC and in its annual reports, the ICRC stopped issuing long reports at this point. Starting in 1967, the IRRC was frequently used as a platform for lengthy reports on the ICRC’s activities and problems surrounding the application of IHL in the Middle East and Nigeria/Biafra.
153 This appeal was also published in “The requirements of humanity in Viet Nam”, IRRC, Vol. 8, No. 84, March 1968, p. 138.
154 On his trip to the United States on 17–24 April 1971, President Naville met US President Richard Nixon, National Security Advisor Henry Kissinger, Secretary of State William Rogers and Secretary of Defense Melvin Laird, as well as UN Secretary-General U Thant. In addition to Viet Nam, they discussed the situation in the Middle East.
This decision also came after Vice-President Freymond’s trip to Viet Nam in November 1966, which led to the following changes:

The ICRC’s policy on civilian detainees was subject to outside criticism and debated internally at length, as evidenced by the

On page 37 of its 1972 Annual Report, the ICRC nonetheless wrote that the note verbale had been sent, mentioning the passage quoted above and adding, “the note was not accepted by the United States Government”.

It was through the IOG that the ICRC and the League issued an initial fundraising appeal for Sfr 50 million on 16 December 1972, which was doubled in February 1973, to cover activities in Viet Nam and Cambodia. Governments donated Sfr 32.5 million, while National Societies chipped in another Sfr 4.4 million. In reality, the ICRC had overestimated what it needed and what it could do, and a balance of nearly Sfr 9 million remained at the end of 1974.

The organization began delivering medical and relief assistance to civilians (orphans and displaced and disabled people) in November 1966, in response to a request from the South Vietnamese Red Cross. Following discussions with the ICRC, the League assumed primary responsibility for delivering aid to civilians and coordinated the contributions from National Societies. On 9 February 1968, the ICRC and the League issued a joint appeal seeking contributions for internally displaced people.

On 8 December 1972, when a ceasefire seemed imminent, the ICRC and the League took advantage of an option provided by Article 5 of the April 1969 coordination agreement between the ICRC and the League to set up the Indochina Operational Group (IOG). The IOG was designed to improve international coordination among the components of the Movement and was first led by Olof Stroh, secretary-general of the Swedish Red Cross. It was through the IOG that the ICRC and the League issued an initial fundraising appeal for Sfr 50 million on 16 December 1972, which was doubled in February 1973, to cover activities in Viet Nam and Cambodia. Governments donated Sfr 32.5 million, while National Societies chipped in another Sfr 4.4 million. In reality, the ICRC had overestimated what it needed and what it could do, and a balance of nearly Sfr 9 million remained at the end of 1974.

The ICRC’s work in South Viet Nam consisted mainly in visiting POWs and civilian detainees and providing (mostly medical) aid to civilians. Visits took place at numerous prisons and detention centres under civilian or military authority, including prisoner-of-war camps, transit camps, hospitals, triage centres and interrogation sites. Between January 1966 and December 1971, the ICRC visited 490 sites holding 391,000 prisoners of war and 94,000 civilian detainees. The most important provisions of the Third Geneva Convention were applied to prisoners of war but not to civilian detainees: despite (partial) American support, full access to civilian detainees was never gained, and the ICRC’s efforts to carry out private meetings were repeatedly rebuffed. In March 1972, the ICRC stopped visiting civilian detainees in an attempt to apply pressure and secure the desired concessions; these visits were never resumed.

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The IOG, which was composed of several sub-programmes, sought to coordinate the activities of all components of the Movement in the region (i.e. in Viet Nam, Laos and Cambodia). Its main challenge was to integrate the ICRC’s South Viet Nam delegation into what was termed the “International Action of the Red Cross” (IARC), something it never actually accomplished. Although the ICRC’s activities mandated by the Geneva Conventions were sharply curtailed,\(^{161}\) the organization did not intend to hand them over to the IOG as Stroh expected. The Executive Council stated that “in no way can the ICRC accept a limitation in the responsibilities that it alone bears by virtue of its mandates under the Geneva Conventions and the International Red Cross Statutes”.\(^{162}\) The organization therefore continued to carry out its traditional activities in the country as best it could. Discussions held within the Executive Council and the Assembly clearly indicate that the ICRC felt that the IARC did not achieve its objectives\(^{163}\) and even complicated the ICRC’s tasks, since the South Vietnamese government and National Society gave the ICRC delegation preferential treatment at the expense of the IARC’s delegation.

Stroh returned to his job as secretary-general of the Swedish Red Cross at the end of March 1974, and a second IOG was set up on 1 April 1974 under the joint responsibility of the directors of operations of the ICRC and the League. This meant that the two organizations were able to reassert responsibility for their respective activities in North Viet Nam, South Viet Nam and Laos, while their joint efforts continued in Cambodia; the IOG continued to exist for administrative purposes. As fighting in Viet Nam and Cambodia spread in the spring of 1975, the coordinating body was again restructured. This time it was placed under the control of the ICRC and remained so until the conflict ended. The IOG was dissolved and replaced by a working group called the Indochina Bureau (INDSEC), which was based in Geneva. Three delegations – in Vientiane, Bangkok and Ho Chi Minh City (formerly Saigon; in 1976 that delegation moved to Hanoi) – were generally well coordinated.\(^{164}\)

In terms of relief assistance, both the first and second IOGs, which were controlled mainly by the South Vietnamese Red Cross, exercised only limited oversight of the relief goods and services provided. The goods and materials supplied to North Viet Nam were not consistently tracked either. For example, the construction of emergency housing, initially valued at Sfr 20 million, was properly supervised from start to finish (1973–1975; the IOG issued a final report in 1976). Yet starting in 1973, around Sfr 8 million in contributions to build and equip a hospital (the Rach Gia project) was never accounted for, and eight years later, no hospital had been built. Such examples were legion, and donors (who contributed through the National Societies, which were in charge of reporting) seemed to have resigned themselves to this. The ICRC and the League issued new appeals on 25 March and 3 April 1974, expanding their assistance efforts to include Thailand, which was burdened by refugees, and Laos. The accounts for the joint action show that total contributions in 1975 (mainly from governments)\(^{165}\) amounted to Sfr 75 million, which included Sfr 43 million in cash.

The ICRC was not mentioned in the Paris Peace Accords of 27 January 1973 or in their four protocols, and the exchange of prisoners of war took place directly between the adversaries.\(^{166}\) The Accords nevertheless allowed for prisoner visits by “Red Cross societies”. Within the scope of the IOG, the National Societies of Canada and Poland were selected to organize the visits. The Polish Red Cross, which had

\(^{161}\) Following the Paris Accords of 27 January 1973, the United States and North Viet Nam negotiated with each other directly for the release of prisoners of war. In South Viet Nam, only 500 remained by the end of March 1973.

\(^{162}\) Minutes of the 19 September 1973 Executive Council meeting – A PV C2 PI 1 (1973).

\(^{163}\) As the president of the Executive Council, Roger Gallopin, noted: “the action is being carried out in a way that diverges from its original goal: harmonizing the efforts of the various Red Cross organizations and pairing assistance with protection activities in the hope of improving protection through assistance. All has proven in vain, especially in North Viet Nam” – Minutes of the 17 September 1973 Executive Council meeting – A PV C2 PI 1 (1973).

\(^{164}\) Indsec was officially dissolved on 30 June 1978, at which point the two organizations resumed their respective activities in the region.

\(^{165}\) Governments that donated over one million Swiss francs: Japan, United States, Norway, Canada, Sweden, the Netherlands, Australia, Denmark, the United Kingdom, Federal Republic of Germany, New Zealand and Switzerland. It is also worth noting some donations from non-habitual donors: Malaysia (Sfr 50,000) and the Philippines (Sfr 9,000).

\(^{166}\) It was nonetheless noted in the ICRC’s 1973 Annual Report, pp. 27-28: “While the greater part of the prisoners of war were exchanged in 1973, a small number did not benefit under the provisions of the Paris Agreement of 27 January 1973. They were mainly wounded men considered unfit for transport at the time of the repatriation operations, prisoners sentenced for offences committed during captivity, and prisoners captured after the cease-fire. The ICRC delegation at Saigon therefore pursued its treaty activities on behalf of the prisoners, of whom there were around 670. It made them twenty visits and provided them with relief items.”
no funds at its disposal, did nothing. The Canadian Red Cross Society went on-site between the end of February and early March 1973, seeking cooperation from the Provisional Revolutionary Government (PRG) and the South Vietnamese authorities; its efforts failed and it returned home. No further attempts or discussions ensued.

As with Hanoi, the ICRC’s relationship with the PRG, which took over from the NLF, remained fraught despite the ICRC’s offer to provide services in April 1973. When at the end of 1973 the PRG submitted a declaration of accession to the Geneva Conventions to the Swiss government and asked to participate in the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law, an opening seemed possible. The ICRC informed the Swiss government that it supported the PRG participating in the Conference in an appropriate manner. Yet on 27 February 1974, the government delegations meeting in Geneva refused, by only one vote. Shortly thereafter, the ICRC organized a conference of government weapons experts (held in Lucerne from 24 September to 18 October 1974), and asked the States whether the PRG should be invited; most governments that replied were not in favour (30 for, 36 against). The ICRC’s attitude in these dealings annoyed the PRG and its North Vietnamese ally,167 and contacts were not resumed until early 1975.

Following the fall of Saigon on 29 April 1975, the ICRC delegation was concerned about foreigners who wanted to return home but lacked any diplomatic representation. These were mainly Pakistanis, Indians, Yemeni, and Taiwanese, and some were even provided temporary shelter at the ICRC delegation. A series of negotiations led to an agreement with those in power in Ho Chi Minh City and with the Hanoi government, and a repatriation programme was put in place: on 28 and 30 December 1975, 444 Pakistanis were able to return home on flights chartered by the ICRC. The ICRC oversaw the repatriation process until 1989 (when it handed this responsibility over to the International Organization for Migration).168

The Viet Nam War taught the ICRC many lessons and affected it in many ways, including how it viewed the conduct of hostilities and combatant status. Given the utter failure of its efforts to promote respect for international humanitarian law, the ICRC saw an urgent need to update this body of law – which had not been modified since the Hague Conventions of 1907169 – so as to address the status of “irregular combatants”. Viet Cong combatants who were armed when captured had been treated by the United States as prisoners of war; at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (1974–1977), this practice was taken into account in Article 44.3 of Additional Protocol I.170

167 This was discussed between Delegate-General Ott and the North Vietnamese authorities on two occasions in Hanoi: first in May 1974 (See “Compte-rendu d’entretien [avec] Lê Luong Thăng, directeur-adjoint du Département des organisations internationales, Département des Affaires étrangères de la RDV, le 31.5.1974” – B AG 141 - 69 RDVN); then again in September 1974 (See “Note sur la mission à Hanoi du 14 au 19 septembre 1974” – B AG 059). North Viet Nam nonetheless participated in the Lucerne conference, where meetings with high-level contacts (including Jean-Pierre Hocké for the ICRC) led to closer cooperation.

168 While it was still fresh in his mind, Michel Barde – who had worked at the ICRC’s main office in Indochina – wrote a book about the operation under the direction of Jacques Freymond (who had since left the ICRC). See M. Barde, La Croix-Rouge et la révolution indochinoise. Histoire du Comité international de la Croix-Rouge dans la guerre du Vietnam, Centre for Documents and Research on Asia, Graduate Institute of International Studies, July 1974. The ICRC considered Barde to have violated his duty of discretion and opposed the book’s publication; manuscripts are thus only available in the libraries of the Graduate Institute and the ICRC.

169 The minutes of the 22 February 1968 Presidential Council meeting strike a particularly solemn note: “The Geneva Conventions, under the current circumstances, are like a small island in the middle of a swamp and will continue to sink, slowly but surely, if the Committee does not react” – A PV CI Pt 16 (1968).

CAMBODIA

Cambodia was embroiled in its own internal tensions before being ensnared in the conflict in neighbouring Viet Nam. Among other things, it was affected by the March 1969–May 1970 American bombing campaign that sought to destroy the Ho Chi Minh trail. In the latter half of the 1960s, the ICRC provided relief and medical consignments to the Cambodian Red Cross Society, to be given to Vietnamese refugees and victims of armed border incidents. The regional delegation for Asia, based in Phnom Penh and led by Delegate-General André Durand, coordinated the relief effort for the countries in the region from 1966 until July 1970, when it was transferred to Geneva.

Political and military tensions rose to a new level when Prince Sihanouk, on a visit to Moscow, was deposed by Prime Minister Lon Nol on 18 March 1970. Sihanouk sought refuge in Beijing, where he announced the creation of a government in exile, the Royal Government of the National Union of Kampuchea (GRUNK), and an armed resistance movement, the National United Front of Kampuchea (FUNK). The FUNK was composed of opposition forces including the Khmer Rouge, which had been fighting since January 1968 and would slowly take over control of this movement. The Lon Nol government refused to grant the ICRC access to opposition prisoners captured in the fighting. The ICRC also struggled to build bridges with the FUNK, whose representatives it met over the years in Paris, Lausanne and various regions of Cambodia; the ICRC never obtained this group’s support for any significant initiative and had to limit its work to delivering limited medical supplies.

The International Red Cross Action in Indochina programme, created under the IOG agreement, grew in influence in Cambodia from February 1973 onward. Under that programme, the National Societies of Belgium, Canada, Denmark, France, the United Kingdom, Norway, Sweden and Switzerland carried out mainly medical activities in both the capital and the countryside. In March 1975, the fighting intensified and the FUNK advanced decisively on Phnom Penh. André Pasquier, who replaced François Perez as head of the ICRC delegation in February 1975, recalled the medical teams from Kompong Chnang and cut back on the number of expatriate staff still in the capital. Sixteen delegates decided to remain and did their best to carry on with their work until the city was taken on 17 April 1975. On the ICRC’s initiative, a hospital and safety zone was set up on 16 April around the hotel Phom. It included a medical clinic that could hold up to 1,500 people. But the armed forces did not respect the safety zone; they seized the medical equipment and evacuated the zone. The ICRC delegates and other foreigners first found sanctuary at the French embassy before being evacuated through Thailand in the following weeks. The ICRC did not return to Cambodia until 1979, after the Khmer Rouge government fell.

LAOS

In 1973, the ICRC’s unilateral efforts to provide assistance to the Laotian people were subsumed in the International Red Cross Action in Indochina. Laos was caught up in two conflicts: one internal (the struggle between the Vientiane government and the Lao Patriotic Front, or Pathet Lao) and one external

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171 When Durand returned to Geneva to fulfil other duties, he was replaced by Jean Ott. In August 1970, as a consequence of the internal conflict that had broken out in Cambodia in March, the ICRC turned the regional delegation into a “national” delegation, which at the beginning comprised only a head of delegation and one medical delegate.

172 The ICRC only gained access to government detention centres between June 1974 and March 1975, and was gradually permitted to meet detainees without witnesses. See archives folders under reference 8 AG 225 (180) for more on this period.

173 No support came from either China or from Sihanouk himself, who met with President Naville in Beijing in October 1971. Sihanouk replied to Naville’s offer of aid by declaring that “each case of medicine would deprive partisans of a case of munitions”, according to Naville’s report to the 14 October 1971 Assembly meeting – A PVA Pl 34 (1971). The GRUNK also begrudged the ICRC for not having recognized it as the official government of Cambodia and not backing its participation in the Diplomatic Conference.

174 The Paris Accords mainly concerned Viet Nam, with Cambodia being mentioned only briefly. One consequence of the accords was the transformation of the conflict in Cambodia into an “autonomous” civil war, which ended with the victory of the Khmer Rouge two years later.

175 André Pasquier’s actions during this seemingly impossible mission were criticized by a journalist from Die Weltwoche. Pasquier later made a report to the Assembly: see minutes of the 21–22 May 1975 Assembly meeting – A PVA Pl 37 (1975). At the time, at least, the ICRC seems not to have reflected in depth on its overall action and merely underscored the necessity of improving media relations. The Executive Council’s decision to conduct a study on the ICRC’s relationship with the GRUNK was never followed through. See minutes of its 29 May 1975 meeting – A PV C2 Pl 3 (1975).
(military incursions by Vietnamese forces and bombing of the Ho Chi Minh trail by the United States). The country was also dealing with internally displaced people and an influx of refugees. Although the ICRC was able to visit prisoners of war and security detainees being held in government prisons, it was not given access to detainees held by the Pathet Lao, to which it nevertheless provided limited medical and relief assistance. The Paris Peace Accords of January 1973 led to a limited reconciliation within Laos. This allowed the two sides to exchange prisoners (without the ICRC’s help) in September and October 1974. Between April and June 1975, the ICRC used Vientiane as a hub for distributing relief assistance to Viet Nam.

THAILAND

Under the terms of a 1959 agreement between Viet Nam and Thailand, from 1960 to 1965 the ICRC oversaw the repatriation of Vietnamese refugees who had long been in Thailand. This operation was interrupted by the war in Viet Nam, which, along with the conflicts in Cambodia and Laos, sent massive numbers of refugees to Thailand once again. The International Red Cross Action in Indochina mission began work in March 1975 under André Tschiffeli, who had been sent as the ICRC’s head of delegation. Its first task was to organize relief operations for refugees in the countries affected and for people living in the border regions. It was at Aranyaprathet, on the border between Thailand and Cambodia, that the ICRC delegates and other foreigners who had sought refuge at the French embassy in Phnom Penh arrived in Thailand. For many years, this city and the surrounding region served as one of the largest centres for refugees fleeing war-torn countries in the region. Large numbers were already present at the end of 1975.

BANGLADESH, PAKISTAN AND INDIA

The ICRC’s work on the Indian subcontinent in 1971 began with an error of diplomatic judgement. Violence had broken out in the region and quickly turned deadly following the Pakistani government’s refusal to recognize the Awami League’s election victory in East Pakistan (now Bangladesh) and the arrest of its leader Sheikh Mujibur Rahman on 25 March. The ICRC, having decided to provide humanitarian aid quickly, chartered a plane for Karachi and announced its intentions in a press release on 28 March. But it only informed the Pakistani authorities in an offer of service submitted to the permanent mission two days later, on 30 March. The plane and its crew had to return to their starting point. The ICRC quickly got things back on track. On 26 July, Victor Umbricht, a member of the Presidential Council, and Jean Ott, the delegate-general for Asia, secured Pakistani President Yahia Kahn’s approval to open a Tracing Agency office in Dhaka. A permanent delegation was immediately set up and closely followed the crisis. Thousands of people were affected by the violence, which did not stop until the Indian army intervened in December. Thanks to a contribution from the European Economic Community, the ICRC was able to deliver substantial relief assistance to the Indian Red Cross Society, which distributed it to Bengali refugees who had fled the violence in East Pakistan.

When conflict broke out between India and Pakistan on 3 December 1971, the ICRC already had delegates in Dhaka and New Delhi; the League was also still providing aid to victims of a recent cyclone in East Pakistan and had a significant operational presence in the region. In Dhaka, three neutral zones were quickly established under the ICRC’s protection (the Hotel Intercontinental, the Holy Family Hospital and Notre Dame College). The ICRC provided extensive food and medical assistance to some 2.5 million

176 The delegation also handled the repatriation of foreigners trying to leave North Viet Nam. Until the Phnom Penh delegation closed, Bangkok served as the ICRC’s logistical base for Cambodia.
177 It was estimated in an ICRC report that 65,000 refugees were living in 35 camps in Thailand at the start of 1976 – F. Zen Ruffinen, INDSEC Note No. 37, dated 10 February 1976 – B AG IOG-INDSEC 443.
178 Victor Umbricht met the Indian president, V. V. Giri, on 24 July, but was not able to obtain any high-level meetings (i.e. with Prime Minister Ghandi). Relations with India (both the Indian government and the National Society) were strained throughout the conflict and its aftermath. Apart from fundamental political differences over how the Geneva Conventions were to be applied, the Indian Red Cross was also disappointed with the ICRC because President Naville had not travelled to New Delhi for the National Society’s 50th anniversary on 5 November 1970, sending Delegate-General Jean Ott instead. Resentment over this resurfaced several times during meetings between ICRC representatives and the Indian Red Cross.
civilians; several National Societies provided support in the form of surgical teams. This effort ended when large groups of civilians were evacuated to India. In December, the ICRC appointed Enrico Bignami as commissioner in charge of the organization’s work in the region.\(^{179}\) When international hostilities began, the ICRC and the League had to quickly assemble a major operation to deliver food and medical aid to half a million people in Bangladesh. The necessary funding was secured following an initial appeal to the National Societies\(^{180}\) and thanks to an extraordinary contribution from Switzerland (which also covered the cost of an airplane). In 1972, the European Economic Community gave the ICRC around 25,000 tonnes of grain (worth Sfr 23 million) to distribute to civilians in Pakistan and East Pakistan, followed by another 18.5 tonnes (worth Sfr 9.2 million) the following year. The ICRC managed this action until 18 April 1972, when the Bangladesh Red Cross Society requested to take over.\(^{181}\) The total cost was estimated at Sfr 32.7 million by Peat, Marwick, Mitchell & Co., which the ICRC had hired to audit the joint operation on the Indian subcontinent.\(^{182}\)

On 4 December 1971, the ICRC sent the warring parties a reminder of its role regarding prisoners of war under the Geneva Conventions.\(^{183}\) Its ability to fulfill its duties was greatly hampered once active hostilities ended with the Pakistani army’s surrender on 16 December 1971.

Starting on 4 January 1972, the Pakistani government allowed ICRC delegates to visit the 657 Indian prisoners of war it was holding; the healthy ones were in camps in Rawalpindi and Lyallpur, while the wounded ones were in six different military hospitals. From 4 January to 1 December 1972 (when the 618 remaining Indian prisoners of war were repatriated) the ICRC made 34 visits to various detention centres; it also visited around 270 Indian civilians who had been captured by the Pakistani army. In addition, the ICRC sought to facilitate the repatriation of civilian internees on both sides.

On 4 February 1972, India also authorized the ICRC to visit prisoner-of-war and civilian-internee camps after putting it off for some time. The first series of visits began on 8 February. By the end of 1972, the delegates had met with nearly all the 82,000 prisoners of war scattered among some 50 camps in 14 different locations along the Ganges River Valley and in 20 hospitals.

On 23 March 1972, the ICRC reminded India of its obligation under Article 118 of the Third Geneva Convention to free its prisoners of war and civilian internees (who numbered around 10,000 at the end of 1972). This was done through a note verbale submitted to India’s Permanent Mission in Geneva. Additional appeals were submitted throughout the year. These included President Naville’s request, in a letter dated 5 October 1972, for a meeting with Prime Minister Indira Gandhi, which was refused.

The ongoing detention of Pakistanis in India gave rise to numerous incidents in the camps, including violently suppressed riots that resulted in deaths and escape attempts that led to both collective punishment and enhanced security. The ICRC documented these incidents and mentioned them in its reports to both parties. Tensions between the Indian government and the ICRC were exacerbated when Pakistan published details from the ICRC’s reports in March 1972 and January 1973, as did India in June 1972. These were picked up by the international media. At the start of 1973, the relationship between

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179 Bignami already had the necessary field experience, having replaced August Lindt in the Nigeria/Biafra operation. Bignami was replaced by Jean-Pierre Hocké in April 1972.

180 The five surgical teams taking part at the beginning of this operation were funded by their home countries and came from the National Societies of Denmark, Finland, Norway, the Netherlands, Switzerland and Sweden. In 1972, the National Societies provided an additional 14 medical teams, or 160 staff in total. Between February and April 1972, the ICRC coordinated the work of 272 expatriate staff (of which 128 were under ICRC contract) and 300 locally recruited employees for this operation.

181 The ICRC subsequently handed over supplies (tents and prefabricated structures, vehicles, blankets and medical supplies) worth roughly Sfr 5 million. The Bangladesh Red Cross was recognized by the ICRC on 20 September 1973. On 4 April 1988, it changed its name and symbol to the red crescent.


183 This mainly meant under the Third Geneva Convention. At the start of 1972, the ICRC considered eastern Pakistan to be occupied by India and thus that the Fourth Geneva Convention also applied. Deeming the transfer of all Pakistani citizens to India to be in their best interest at that point in time, the ICRC did not consider this to be a violation of Article 49 of the Fourth Geneva Convention. See note by Claude Pilioud dated 23 February 1972 – B AG 210 66-165.
the ICRC and India reached a low, and the ICRC even feared negative consequences on other international conflicts and initiatives in which it was engaged.  

Pakistani Prime Minister Bhutto and Indian Prime Minister Gandhi met in Simla on 2 July 1972 in what was considered a crucial step towards a peace accord. It led to an agreement in principle to hold talks on repatriation. But the talks failed to take place after China (with which Pakistan had developed ties) vetoed Bangladesh's bid to join the UN. Renewed talks between India and Pakistan led to a repatriation agreement on 28 August 1973. This agreement did not only address prisoners of war, and it counted a massive population shift among countries in the region. The repatriation operation was entrusted to the Office of the United Nations High Commissioner for Refugees (UNHCR), the ICRC and Switzerland, and ran from the date the agreement was signed to the end of March 1974. The Indian and Pakistani governments expressed their satisfaction in a joint declaration on 8 April 1974, which sealed a political agreement between them. The ICRC oversaw the repatriation by train of Pakistani prisoners of war and civilian internees in India; it also registered all Bengali civilians and Bihari refugees who wished to go to Pakistan (the UNHCR organized boat and air transport). Switzerland served as intermediary between India, Pakistan and Bangladesh and stepped in to handle cases that went beyond the ICRC’s purview (including for Pakistanis who had been arrested in India before December 1971). The ICRC facilitated the repatriation of a number of individuals in 1975, including non-Bengali minorities (who wished to leave Bangladesh for Pakistan) and Pakistani detainees in India.

Switzerland and the ICRC had to coordinate their operations on a number of occasions in response to this conflict and the resulting humanitarian needs. Switzerland had agreed to serve as protecting power at the request of Pakistan (but not Bangladesh) under the terms of both the Vienna Convention on Diplomatic Relations and the Geneva Conventions; it exercised this mandate from the outset of hostilities on 4 December 1974 until July 1976. While the “Vienna mandate” was carried out smoothly, the “Geneva mandate” was complicated by “periodic attempts by both India and Pakistan to use Swiss diplomacy for political purposes, which had the regrettable corollary of momentarily upsetting the relationship between Switzerland and the ICRC when the Delhi accords took effect”. An ongoing dialogue in the region as well as in Bern and Geneva helped maintain open and constructive exchanges.

When the conflict ended in early 1975, the ICRC’s delegation in India became a regional delegation for the subcontinent, covering Afghanistan, Bhutan, India, Nepal, Maldives and Sri Lanka.

INDONESIA

In October 1965, an attempt to overthrow Indonesian President Sukarno ended in failure. This led to a clampdown on the communist party, which was accused of supporting those who planned the coup, the 30 September Movement. General Suharto was the iron fist behind the clampdown. In response to a number of appeals from organizations worried about those who had been arrested, the ICRC took steps to organize prison visits. André Durand, the ICRC’s delegate-general for Asia, received authorization from the local commander – thanks largely to his personal contacts – to visit the prison in Mataram, the

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184 The ICRC therefore feared a debate would be called for by Muslim countries in support of Pakistan during the International Conference in Tehran in November 1973, during which India would likely be criticized. See the minutes of the 29 March Presidential Council meeting – A PV C1 P1 19 (1973). At the end of 1972, the ICRC considered closing its delegation in New Delhi if relations did not improve. This did not prove necessary, as the situation soon improved slightly: India accepted an exchange of prisoners (albeit a very limited one), which was carried out with the help of Switzerland.

185 The bulletin of the UNHCR (supplement to No. 6, December 1974) gives the following figures: 121,700 Bengalis transferred from Pakistan to Bangladesh; 108,750 non-Bengalis transferred from Bangladesh to Pakistan; 10,850 Pakistanis repatriated from Nepal to Pakistan. The UNHCR’s figures were also cited in IRRC, Vol. 15, No. 169, April 1975, p. 204.


188 During much of the period from 1971 to 1974, Switzerland was represented in New Delhi by Ambassador Fritz Real (1909-2003). Real had previously been assigned to Lagos from 1966 to 1970, at which time he gave the ICRC constant support during the war in Biafra.
provincial capital of the island of Lombok. The ICRC was not able to continue these visits, despite repeated entreaties in subsequent years; these included a meeting in Jakarta on 30 April 1969 between ICRC Director-General Roger Gallopin and the Indonesian Minister of Foreign Affairs Malik. In June 1970, Dr Laurent Marti, the ICRC’s lead doctor, made a one-off visit to two prisoner-of-war camps near Jakarta but was not allowed to go to the island of Buru (one of the Maluku Islands) where most security detainees were being held. The ICRC visited three colonies of detainees on this island in February 1971, as well as three prisons on Java and Bali. It was not until September 1974 that ICRC teams were able to visit all security detainees associated with the 30 September Movement (27,000 detainees in 36 prisons).

In the meantime, Indonesia became involved in the conflict in Timor-Leste, where the ICRC would play a major role.

TIMOR-LESTE

In August 1975 an armed conflict erupted in Timor-Leste, which was still a Portuguese colony. Clashes between the Timorese Democratic Union (UDT) and the Revolutionary Front for an Independent East Timor (Fretilin) took place in the eastern part of the island, mainly the capital Dili. Residents fled towards the mountains or, by sea, to Darwin in northern Australia. On 21 August, Portugal officially asked the ICRC to assist in evacuating foreigners. On 28 August, the ICRC’s regional delegate based in Kuala Lumpur, André Pasquier, was in Timor-Leste and met with both sides of the conflict. The Australian Red Cross tended to the refugees in Darwin, while an ICRC medical team arrived in Dili on 4 September and opened a polyclinic. The relief effort put in place by the ICRC to help displaced people from Timor-Leste benefited residents on the Indonesian side of the island of Timor as well. The ICRC was also allowed to visit the hundreds of prisoners held by both sides; the visits took place in October and November. While the ICRC was able to facilitate Fretilin’s release of 28 Portuguese soldiers, the UDT did not allow the ICRC to meet with the 23 Portuguese soldiers it had captured.

The conflict escalated following the declaration of independence by Fretilin on 28 November 1975; the other armed movements wanted to become part of Indonesia, while Portugal sought to assert its sovereignty over the territory. A massive offensive by Indonesia in Dili on 6 and 7 December forced the ICRC to withdraw to Darwin. The organization took several approaches in seeking the approvals needed to resume its work. In a press release dated 23 December 1975, it said it was ready “to resume its humanitarian work helping victims of the conflict that has been tearing this country apart since August 1975”.

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190 In 1968, the ICRC (and a number of National Societies it had solicited) also provided significant support to the Indonesian Red Cross in an assistance operation benefitting some 50,000 ethnic Chinese who, owing to threats and unsafe conditions, had fled to the West Kalimantan province on Borneo, where they were living in extreme poverty.

191 When these visits were suddenly authorized in June, the ICRC found itself short-handed and in need of at least eight delegates to form four teams that could visit all the detention centres in just under two months. The delegates also needed to be briefed; this was done by a former Swiss ambassador in Indonesia. At the time, the ICRC had no reserve pool of delegates, and its staff were tied up in India/Pakistan, Vietnam/Cambodia, Cyprus and the Middle East.

192 Darwin became the logistical base for this operation with the Australian Red Cross’s support.
THE ICRC’S WORK IN EUROPE

Between 1965 and 1975, the effects of the Second World War were still being felt alongside rising Cold War tensions. The ICRC’s work in Europe was shaped by these two forces. The organization was still engaged in a number of activities in Germany that dated back to the Second World War, the most important being compensation for victims of Nazi pseudo-medical experiments and family reunification. The ICRC also sought to improve its relationship with socialist countries, in part through repeated visits. More broadly, it visited security detainees in several European countries, as it was doing on other continents.

AFTERMATH OF THE SECOND WORLD WAR AND ACTIVITIES IN GERMANY

The ICRC continued to administer the International Tracing Service (ITS) in Arolsen, Germany (it moved to Bad Arolsen in 1977) under the mandate given to it in 1955 by the international commission in charge of overseeing the ITS. The ITS archives consisted of documentation on civilians persecuted by the Nazi regime. Nicolas Burckhardt, the first director of the ITS, was succeeded by Albert de Cocatrix, who served from July 1970 to December 1977. The ICRC was initially meant to run the ITS for ten years. But at the end of this period, in May 1965, the members of the international commission were unable to agree to the terms of renewal. The ICRC therefore continued its work without an agreement in place and without any oversight from the commission, which did not meet again until April 1974. In May 1968, the ICRC’s mandate was extended for an indefinite period following an exchange of letters among the United States, France and Germany and between Germany and the ICRC; Germany alone provided funding. The ITS’s priority was to respond to the mostly individual requests from those who had been persecuted or their families. During the period under study, it received additional documentation from a wide range of private and public institutions. In 1969 it published a list of concentration camps and their detachments. The ICRC regularly published information – mostly statistics – on the ITS’s work in its annual reports and in the IRRC, since it considered the ITS one of its services. The ITS employed around 230 people at the time.

In 1961, the ICRC had agreed to a request by the Federal Republic of Germany to serve as the go-between for the compensation of survivors of pseudo-medical experiments carried out in concentration camps under the Nazi regime. The organization served in this role until 1972, when the compensation programme ended. Several thousand people, mainly Polish, Hungarian and Czechoslovakian nationals, received payments. The ICRC set up and chaired a neutral medical commission whose members – Swiss doctors and jurists – came from outside the organization. The ICRC sent representatives, led by a doctor from the Committee (Dr Jacques de Rougemont, in later years), on numerous visits to the countries involved, where they made contact with the victims, the political authorities and the National Societies. The ITS was also called upon to verify biographical data on a number of occasions. The ICRC ended up going beyond its original mandate, as it lobbied the Federal Republic of Germany to expand the compensation programme and increase the size of payments.

Poland was the last country where payments were made. On 16 November 1972, it signed an agreement with the Federal Republic of Germany on a final lump-sum amount to cover cases that had not yet been resolved. This agreement marked the end of the ICRC’s role as intermediary. By the time its work ended,
the neutral medical commission had examined thousands of cases and awarded payments to 1,700 people for a total of just over 50 million Deutsche marks). 197

Between 1966 and 1969, the ICRC was engaged in another activity with roots in the Second World War. Pursuant to Resolution XIX of the 20th International Conference (Vienna, 1965), the ICRC helped reunify families separated by the war in Bulgaria, Yugoslavia, Czechoslovakia, the German Democratic Republic and the Federal Republic of Germany. It worked tirelessly and collaborated closely with these countries’ governments and National Societies, and some 60,000 people were able to return to where they lived before the war.

The ICRC also made numerous efforts, largely focused on the East Berlin authorities, to facilitate visits between family members separated by the Berlin Wall (built in August 1961 by the East German government). The ICRC’s last attempt, directed at the mayor of West Berlin and the prime minister of the German Democratic Republic, largely failed, with the exception of a few particularly painful cases. 198

From 1966 to 1969, the ICRC continued to visit 30 or so security detainees in around ten prisons in the Federal Republic of Germany and in West Berlin.

CZECHOSLOVAKIA

The ICRC’s high level of engagement in Germany contrasts with its relatively low profile in Czechoslovakia following the military intervention by the Warsaw Pact in August 1968. The ICRC sought to offer its services to Czechoslovakia’s National Society through the country’s Permanent Mission in Geneva, and in September met with National Society representatives attending a League meeting in Geneva. The ICRC received no answer and does not appear to have taken any further steps.

RELATIONS WITH SOCIALIST GOVERNMENTS

ICRC President Gonard, who had visited a number of African countries in 1962, engaged in a similar tour of socialist countries from April to September 1966. He paid lengthy visits to the USSR (two weeks, visiting Moscow, Saint Petersburg and Tajikistan), Poland, Bulgaria, Romania, Yugoslavia, Hungary, the German Democratic Republic and Czechoslovakia. At each stop he usually met with political leaders along with the Red Cross Societies, taking the opportunity to see some of their on-the-ground activities; he was also shown factories, farms and hospitals. It was through such visits that the ICRC hoped to familiarize socialist and Marxist-inspired governments with its work and achieve greater acceptance among them. The ICRC also raised the issue of its impasse in North Viet Nam with political leaders and certain National Societies, hoping to secure their support. A number of preparatory documents provide insight into the Assembly’s discussions on 3 February and 6 April 1966 in this regard. 199

Recognizing the “distrust of the communist sphere towards the ICRC, which is identified with the capitalist sphere”, the ICRC avoided all discussion of ideology. Instead, it sought to use its normal working methods to expand its network of contacts and interaction with the National Societies and governments of these countries.

As early as 1961, aspects of the uneasy “East-West” dialogue taking place within the Movement began to make their way into the debate over “the Red Cross’s contribution to peace”.

197 A report on this activity can be found in “On behalf of victims of pseudo-medical experiments – Red Cross action”, IRRC, Vol. 13, No. 142, January 1973, pp. 3-21.
198 Letters, dated 26 December, from Vice-President Siordet to: Klaus Schütz, mayor of West Berlin, Willi Stroph, prime minister of the German Democratic Republic and Willy Brandt, chancellor of the Federal Republic of Germany. Schütz sent a reply on 14 January 1969 thanking the ICRC for its efforts. Stroph sent no reply. See the archives folder covering all the ICRC’s activities in Berlin during this period – B AG 231 009-004.
199 “Rapports du CICR avec les pays socialistes”, SP 542, undated, prepared by M. Borsinger, the delegate-general for Europe, and presented to the Committee on 24 January 1966 with notes from J. Pictet and R.-J. Wilhelm on the same topic, “Rapport introductif présenté par M. Pictet en séance plénière, concernant les relations avec les pays marxistes”, SP 556; and “Exposé de M. R. Olgiati sur les rapports du CICR avec les pays socialistes”, SP 557 – A PVA SP 8 (1966-1967). See also the minutes of the aforementioned Assembly meetings – A PVA Pl 29 (1966).
GREECE

The "Colonels' coup" in Greece on 21 April 1967 led the ICRC into dealings with a decidedly non-Marxist government.200 The organization instructed Georges Colladon, an ICRC delegate with extensive ties to Athens – his reports to the Committee even reveal some sympathy for the new government – to establish contact with the Greek authorities. He did so with the support of the Hellenic Red Cross. With the government’s authorization, in May and July he visited people arrested following the coup who were being held at various detention centres; this included the island of Yaros, where most of them were located. The ICRC made additional visits from the end of July to mid-October; this time, the visiting teams included doctors, who reported “unbearable” conditions.201 This observation seemed to fall on deaf ears, as the situation was still considered “unacceptable” several months later.202 The ICRC continued its visits in 1968 and was given access to additional categories of detainees: in addition to “administrative deportees”, it could visit “defendants and convicted prisoners held by the judicial authorities”. It also secured improvements in the detainees’ living conditions, including an increase in the amount of mail they could send, the right to family visits and the distribution of relief items.

The concessions won by the ICRC in 1968 were expanded when the ICRC gained access to all detention centres, including both civilian and military interrogation sites. This was achieved through negotiations, including by Jacques Freymond (ad interim president of the ICRC at the time) starting in June 1969. The (expanded) terms governing the ICRC’s work were set forth on 3 November 1969 in the Agreement between the Government of the Kingdom of Hellas and the International Committee of the Red Cross, which was enacted for one year.203 The ICRC then set up a permanent delegation in Athens. But the Greek government did not renew the 1969 agreement when it expired one year later. It asserted that the agreement “could not remain in effect in its present form [but that] [t]his would not prevent an examination of all the issues concerning the relationship between the ICRC and the Greek government at some later date”. An examination of the issues never took place. The ICRC submitted new proposals in letters dated 15 December 1970 and 16 January 1971, but the government rejected them on the grounds that the practices of administrative detention and house arrest would soon come to an end. After handing over some relief materials to the Hellenic Red Cross for distribution to individuals still being held, the ICRC officially closed its delegation on 1 January 1972. Between 1972 and 1974, it approached the Greek government several more times in an effort to resume its work, including after the camp in Yaros was reopened in January 1974. Philippe Grand d’Hauteville, the regional delegate for Europe, was sent to Greece in February 1974, and a note verbale was submitted to the Greek government on 20 April 1974. But the ICRC was not permitted to carry out any further visits to detention centres.

The “Regime of the Colonels” ended in 1974: the Turkish military intervention in Cyprus led to the fall of the military junta in Athens and the restoration of a democratic government. The ICRC hoped that its work in Greece, in a situation in which the Geneva Conventions did not apply, would serve as a model for similar initiatives elsewhere in the world. It also wanted the world to know that it was also active in Europe.204 Discussions during a plenary meeting of the Assembly made it clear that private meetings

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200 The ICRC’s activities in Greece during this period are described in R. Siegrist, The Protection of Political Detainees. The International Committee of the Red Cross in Greece 1967-1971, Corbaz, Montreux, 1985, pp. 104-141.
201 Report by Jean-Louis de Chastonay to the Presidential Council – Minutes of the 3 August 1967 Presidential Council meeting – A PV C1 P1 15 (1967). Of the 8,000 people arrested in April, 2,700 remained in detention on Yaros at the time, including 200 women, and prison overpopulation remained a concern.
202 Report by Laurent Marti and Jacques Chatillon following their visit to Yaros and five other detention sites – Minutes of the 8 March 1968 Presidential Council meeting – A PV C1 P1 16 (1968). The Greek government finally evacuated Yaros in October 1968 after repeated ICRC representations.
203 The text of this accord can be found in the ICRC archives. It was also published in the Annual Report, 1969, pp. 42-44 and in IRRC, Vol. 9, No. 105, December 1969, pp. 673-676.
204 During the 12 August 1971 meeting of the Presidential Council (A PV C1 P1 18 (1971)), the president “shared a remark he’d heard in Africa, that we often take action in the Third World but hardly ever in Europe”. While discussing the extension of the agreement with Greece, the ICRC expressed its hope that it would serve as an example for its planned visits to security detainees in Indonesia – Minutes of the 2-3 September 1970 Assembly meeting – A PVA PI 33 (1970). At the time, the ICRC was withdrawing from Nigeria/Biafra but still active in Viet Nam and the Middle East.
with the type of detainees seen in Greece (unlike those with prisoners of war, covered by the Geneva Conventions) were not yet considered imperative. 205

CYPRUS

On 15 July 1974, Cypriot President Makarios was deposed in a coup led by Nikos Sampson and supported by the Greek military junta. On 20 July, Turkey responded by sending troops to Cyprus. The ICRC acted quickly: it issued an appeal to both sides on the day of Turkey’s intervention and, on 22 July, sent 14 delegates and doctors to Nicosia and three delegates to Ankara. 206 The ICRC was able to provide its services to prisoners on both sides. Between 22 and 29 July, it visited 1,750 prisoners held by the Greek Cypriots. Then, after overcoming some obstacles, which included the transfer of some 600 prisoners to Turkey, it visited those held by the Turkish army; the first visit to the zone controlled by Turkey took place on 1 August, while the first visit in Turkey proper was on 3 August. The ICRC was able to access the various prisoner-of-war camps several times before the prisoners were released. It also oversaw the prisoner releases arranged under the ceasefire agreement signed on 30 July in Geneva between Greece, Turkey and the UK; the agreement was renewed after a flare-up in hostilities on 14 August and 13 and 20 September. Fifteen POW-release operations took place in Nicosia between 16 September and 3 October and between 18 and 28 October 1974.

The ICRC then focused its attention – and its interactions with the authorities on both sides – on a concern that arose at the very outset of its work: acts of often serious violence that were being committed against civilians in both the Greek Cypriot enclaves under Turkish control (in the north) and the Turkish Cypriot enclaves under Greek control (in the south). The ICRC submitted a preliminary general report to the two sides on 12 September 1974; an additional report was delivered to Turkey on 13 September addressing the failure of Turkish troops to comply with the Geneva Conventions. 207 The organization continued to monitor the situation over the following months. It also began providing both relief and medical assistance to civilians, especially in the zone controlled by Turkey, where the needs were particularly dire. This effort was conducted with the support of mobile teams made available by the National Societies of the Federal Republic of Germany, Denmark, Finland, Ireland and Sweden. Between November 1974 and the end of January 1975, the ICRC helped transfer civilians between the two zones. The Central Tracing Agency looked into cases of people who had gone missing, an issue that has never been fully resolved. In January 1975, the two parties to the conflict set up a sub-committee on humanitarian issues with the participation of the United Nations (through the United Nations Peacekeeping Force in Cyprus and the High Commissioner for Refugees) and the ICRC; this sub-committee met regularly throughout the year. When the ICRC left Cyprus on 30 June 1976, it left its files with the sub-committee (2,200 cases were pending at the time).

Throughout its operation in Cyprus, the ICRC had to coordinate its work with the United Nations and its agencies, especially the Office of the High Commissioner for Refugees. It appears that the various entities worked together harmoniously and did not step on each other’s toes. 208 Such an outcome was

205 See the minutes of the 3 December 1969 Assembly meeting – A PVA Pl 32 (1969). Jacques Freymond sparked the debate by asserting that the head of delegation, Laurent Marti, was employing an “all or nothing” approach in demanding interviews without witnesses for all detainees, without exception. But some other members of the Committee also felt that interviews without witnesses should be insisted upon. This was also an issue in Viet Nam, where the ICRC was refused private meetings with civilian detainees captured by the Saigon police (because they were not considered prisoners of war). Only later would the issue be resolved. In 1973, during a debate on prison visits in Indonesia, the Committee equivocated: “Until the ICRC has determined its position as to whether witnesses can be present during visits to security detainees, the issue will be decided on a case-by-case basis, in view of the circumstances, and putting the detainees’ best interests first” – Minutes of the 5 July 1973 Assembly meeting – A PVA Pl 36 (June 1973–December 1974). The visit procedures for Spain and Northern Ireland during the same period show similar vagueness on this point, which would not be clarified until 1974.

206 It was a large-scale operation in terms of human resources: between 20 August and the end of December 1974, the staffing comprised around 40 delegates, on average, in addition to locally recruited staff.

207 In its observations, the ICRC referred to the Fourth Geneva Convention, which Turkey did not consider applicable. See in particular the minutes of Georg Hoffmann and Laurent Marti’s meeting with the army chief of staff and the minister of defence in Ankara on 16 October 1974 – B AG 210 049 (001).

208 Reporting on a meeting with UN Secretary-General Kurt Waldheim, ICRC President Eric Martin noted: “relations between the two organizations could not be better. The UN fully recognizes the ICRC’s role, as well as our need for independence” – Minutes of the 26 September 1974 Executive Council meeting – A PV C2 Pl 2 (1974).
not preordained, and some form of “competition” had been conceivable, according to Roger Gallopin, the president of the Executive Council: “The Security Council resolution appointing the High Commissioner for Refugees to coordinate the UN’s relief effort in Cyprus is a new development that shows a growing trend in which the United Nations extends its reach into the humanitarian sphere in order to make up for its weakness on the political level, and this forces the International Committee to remain on guard”. 209

The ICRC’s operation in Cyprus was covered by the occasional budget. The appeals it issued on 9 and 16 August brought in Sfr 7.8 million in cash and Sfr 10.5 million worth of relief items. The ICRC’s support, which by 1975 already focused less and less on relief, 210 ended in 1983. It applied the small amount left over to its action in Lebanon.

NORTHERN IRELAND, SPAIN AND PORTUGAL

Northern Ireland presented the ICRC with another situation not covered by the Geneva Conventions. In October and December 1971, the organization visited around 560 detainees in four different detention centres who could be considered security detainees, as they had been arrested under the special powers given to the Belfast security forces on 19 August 1971. Following some informal contacts, the ICRC formally offered its services on 28 August 1971. It had the support of the British Red Cross, with which it had begun to discuss Northern Ireland in 1969. Its offer was accepted, and the ICRC was given full access to detainees and the ability to meet with them in private. Visits were repeated in May and December 1972, July 1973, May 1974 211 and March 1975. During its final visit, the ICRC met with 421 men and 115 women (13 of whom were civilian internees). The ICRC made no more prison visits in Northern Ireland that year, and the civilian internees were released in a gradual process that lasted until December 1975. 212

The ICRC became concerned by the situation of security detainees in Spain at the end of the 1960s after receiving letters from human rights groups, which prompted it to raise the issue with the Spanish government. Discussions involving both the government and the Spanish Red Cross eventually paid off. The ICRC first contacted the president of the National Society in February 1969; then, Jean-Pierre Maunoir, the ICRC’s ad interim head of operations, and Laurent Marti, the ICRC’s head doctor, went to Madrid the following month. On 14 March 1969, the ICRC sent a document to the government through the Spanish Red Cross, setting out the ICRC’s *modus operandi* and requesting authorization to visit detainees. No reply was received. Max Petitpierre, a Committee member, went to Madrid in March 1971. Despite what he termed “fruitful discussions with five ministers”, he reported that “the question of visiting security detainees in Spain was not raised”. 213 Yet subsequent discussions finally paved the way to visits starting in early 1972. The ICRC already knew it would only be able to see a limited number of prisons (which also held regular prisoners), and that the meetings would not necessarily be private. The Presidential Council decided to go ahead with the visits despite these constraints. 214 Two delegates, accompanied by the Spanish head of prisons, visited prisons across the country in two waves: between 7 and 30 June they met with 188 security detainees in 12 detention centres, and between 9 October and 3 November they saw 155 security detainees in 12 detention centres. The ICRC submitted its report to the Spanish government following these visits, which would not be reprised during the time period covered by this study. 215

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209 Presentation to the Assembly in the minutes of its 3–4 September 1974 meeting – A PVA Pl 36 (July 1973–December 1974).
210 Sfr 4.8 million was spent on relief in 1975, Sfr 1.6 million in 1976 and Sfr 371,000 in 1977.
211 The British government published the ICRC’s report on this visit in full. 212 It is interesting to note that at the time, the ICRC feared the situation would deteriorate into civil war. Melchior Borsinger, delegé-general for Europe, wrote a note to the Presidential Council on the subject: “Irlande du Nord : Mesures à prendre dans l’éventualité d’une guerre civile”, SP 814, dated 26 July 1972 and discussed (and approved) at the 27 July 1972 Presidential Council meeting – A PV C1 Pl 19 (1972–1973).
213 Oral mission report to the Presidential Council. See the minutes of its 1 April 1971 meeting – A PV C1 Pl 34 (1971).
215 No mention of this action was made in the 1972 *Annual Report* or in the *IRRC*. 

On 25 April 1974, a coup overthrew the Portuguese government and led to the rapid withdrawal of Portuguese forces from its African colonies. In August, October and December 1975, the ICRC visited six detention centres where it met with 1,400 security detainees, who were supporters of the old Salazar government. Working with the Portuguese Red Cross, the ICRC engaged more extensively in the repatriation of Portuguese citizens from Mozambique and Angola. This consisted of Tracing Agency work and other efforts on behalf of Portuguese citizens still living in the former colonies, and lasted until October 1975, when the League took over responsibility for this work in Portugal.

216 The ICRC was already in close contact with the authorities and the Portuguese Red Cross because of the conflict in Timor-Leste, a Portuguese colony at the time.
THE ICRC’S WORK IN THE MIDDLE EAST

The ICRC was not well acquainted with the Middle East, although it had carried out some activities there in the years immediately following the Second World War. This changed in the 1960s. Various international and non-international conflicts, and many other instances of armed violence, challenged the ICRC’s operational capacity and efforts to promote compliance with international humanitarian law. They also forced the organization to begin formalizing its policies.

YEMEN

Perret and Bugnion’s study largely covers the ICRC’s work in Yemen from 1966 to 1970, when the conflict there ended. However, it is still worth adding some detail as to the ICRC’s concerns and decisions at the time. Until the Six-Day War in 1967, the ICRC’s main operation in the Middle East was in Yemen, where armed violence following Britain’s departure from Aden on 30 November 1967 aggravated the civil war that had broken out in 1962. André Rochat, the ICRC’s head of delegation from 1963 to 1970, led a groundbreaking effort that revealed the ICRC’s innovation and boldness in the face of extremely difficult circumstances. In 1969, Rochat presented a film he had made on the ICRC’s work to the Presidential Council. He was strongly encouraged to share it with the media and with political authorities in Switzerland “to highlight what the ICRC is doing outside of Nigeria”.

One of the ICRC’s pioneering initiatives at the time was to open a prosthetic centre in Sanaa. This came in response to repeated calls for support and followed a visit by Ulrich Middendorp, an ICRC doctor, to the capital in June 1968. The centre opened in August 1970 and was run by the ICRC for two years before being handed over to the Yemeni ministry of health, which had support from the World Health Organization.

ISRAEL AND THE ARAB STATES

The ICRC was not caught off guard when the Six-Day War between Israel and a coalition of Arab States began on 5 June 1967. In a special session held on 25 May, the Committee had already decided to send delegates to Cairo, Tel Aviv, Damascus, Amman and Beirut, and the delegates left forthwith. Soon after the hostilities broke out, the organization sent additional staff (for a total of 30 people at the end of June) along with relief goods to meet a range of needs. From 12 to 19 July, ICRC President Gonard himself went to Egypt, Israel, Jordan, Lebanon and Syria. In his report to the Assembly, he was already concerned about the various parties’ failure to comply with the Geneva Conventions, saying: “they ‘haven’t renounced the Conventions but do not seem to recognize the purpose they serve; they are applied as a function of the circumstances’.”

The ICRC reported on its work in the region in the July, August and September 1967 issues of the IRRC. It was aware that the world was watching the conflict closely and that the organization’s role must be

217 Perret and Bugnion, op. cit., pp. 525-549.
219 Fitting the war-wounded with artificial limbs was not always considered a priority for the ICRC, at least during its initial forays into the field. This is evidenced by the following statement, made while cutting funding for limb-fitting in Yemen, which describes it as a “marginal project compared to the ICRC’s traditional activities” – Minutes of the 27 March 1969 Presidential Council meeting – A PV C1 Pl (1969).
220 Minutes of the 25 May 1967 Assembly meeting – A PVA Pl 30 (1967). This meeting was held following the military mobilization in the region, including Egypt’s blockade of the Straits of Tiran.
221 Minutes of the 20 July 1967 extraordinary Assembly meeting – A PVA Pl 30 (1967). It is interesting to note that during this meeting, it was pointed out “that the ICRC never conducts long-term action in principle, and we suggest that our activities should end when the new refugees return to their point of departure.”
properly understood. The ICRC presented its work to the Council of Delegates meeting at The Hague on 6 September 1967. The Council passed a resolution calling for refugees to be allowed to return home. Just before the meeting, a first round table on the topic of “The Red Cross as a Factor in World Peace” was held: against a backdrop of violence in the Middle East, these two events poignantly highlighted the gap between the discourse of peace and the reality of war.

The cessation of direct hostilities and, later on, the exchange of prisoners of war and civilian detainees did not mean that military confrontations or humanitarian work had ended. But they did mark the start of extensive efforts by the ICRC to ensure that the parties to the conflict applied the Fourth Geneva Convention. The ICRC took a public – and consistent – position on this issue. On 10 April 1968, in a letter and legal memo sent to Israel’s permanent representative in Geneva, the ICRC explained its interpretation of the law. It reiterated its position in a memo dated 24 May 1968 sent to the same individual. In a meeting on 20 June 1968 in Geneva, Israel’s ambassador informed the ICRC that his government wished to leave the applicability of the Geneva Conventions – and the Fourth Convention in particular – an open question.

The ICRC informed all the National Societies of its work in the Middle East and its interpretation of the law following a meeting that the ICRC organized on 3 September 1968 with the National Societies represented on League’s Executive Council. The ICRC widely publicized its position, including by publishing a copy of the memo it sent on 4 April 1968 to the governments of Israel, Syria, Jordan and the United Arab Republic (Egypt) in the IRRC.

While Nigeria/Biafra dominated the ICRC’s attention between 1968 and 1970, the organization nevertheless did not lose sight of the Middle East. From 1967 to 1973, the ICRC’s main action and outreach towards governments focused largely on the Fourth Geneva Convention:

- In March and June 1968, dozens of Arab residents of Quneitra on the occupied Golan Heights were moved to Damascus (some were able to return in March and June 1969), while a number of leading Arab figures living in the West Bank were transferred to Jordan. The ICRC spoke out against these expulsions, which were in violation of the Fourth Geneva Convention. The ICRC approached the Israeli civilian and military authorities about this issue regularly over the following years.

- Refugees who had fled to Jordan to escape the fighting were able to return home in the second half of 1967 with the ICRC’s active involvement. These operations were interrupted following an incident at Allenby Bridge on 21 January 1968, in which two ICRC delegates were seriously wounded. They resumed after changes were implemented by the Israeli authorities with the help of the mayors of the occupied villages; from then on the ICRC only took action in urgent cases. A number of family reunifications took place during these years, with family members coming from Egypt, the Sinai, Lebanon and Syria to Gaza, the West Bank and the Golan Heights.

223 On 17 October 1967, the ICRC and the League of Red Cross Societies issued a joint appeal on behalf of the region’s refugees.
224 Letter from François Payot to Ambassador M. R. Kidron, dated 10 April 1968, and “Application des Conventions de Genève, notamment de la IVème Convention dans les territoires occupés par Israël” – B AG 202 (152).
225 “The question of the relevance of the fourth Geneva Convention to Israel-held territories raises certain difficulties, and the Government of Israel would prefer to leave the matter in abeyance for the time being. The Government therefore suggests that, without prejudice to the juridical stands of the parties, the practical work of the Red Cross in these territories should be pursued on the same pragmatic basis as heretofore, and it will do all in its power to enable the representatives of the International Committee of the Red Cross to implement agreed measures” – Note dated 16 June 1968 from Ambassador Kidron, received by the ICRC on 20 June 1968 – B AG 202 (152).
226 Information Note to the National Red Cross, Red Crescent and Red Lion and Sun Societies, 22 October 1968 – D1044b.
228 André Rochat, the delegate-general for the Middle East at the time, expressed his concern about this, as noted in an April discussion in the Assembly: “Mr Rochat feels that the ICRC, totally engrossed in Nigeria, is perhaps not fully aware of the catastrophic deterioration that has taken place in the Middle East” – Minutes of the 9 April 1970 Assembly meeting – A PVA Pl 33 (1970). In any case, the ICRC was aware enough of the importance of its activities in the region to publish a long, two-part report in the IRRC: “The Middle East activities of the International Committee of the Red Cross – June 1967-June 1970”; Part I in IRRC, Vol. 10, No. 113, August 1970, pp. 424-459, and Part II in IRRC, Vol. 10, No. 114, September 1970, pp. 485-511.
229 This took the form of numerous written representations, including letters from ICRC President Marcel Naville to Israeli Prime Minister Golda Meir dated 26 February and 19 March 1971. Meir sent negative responses on 20 April and 5 September of the same year. The ICRC cited 20-30 expulsions per month.
The Israeli army, in violation of Articles 33 and 53 of the Fourth Geneva Convention, destroyed houses and buildings in retaliation for acts of resistance in the occupied territories. The ICRC raised this issue on a number of occasions with the Israeli government, including in a letter from the ICRC president to Israeli Prime Minister Golda Meir.\textsuperscript{230} The organization also backed requests that the Israeli government pay compensation, and it set up a programme to help families that lost their homes.

Starting in December 1967, the ICRC was able to visit Arab civilians held in Israel and the occupied territories. This activity grew in scope over the years, and a programme to help families get to and from detention centres to visit loved ones was soon added. The ICRC did not, however, have access to Arab detainees from East Jerusalem.

The ICRC stood by local sections of the “Palestinian Red Crescent” and their activities in the occupied territories.\textsuperscript{231}

In 1971, the ICRC gradually grew concerned over the principle of Israeli settlements (it was involved in their humanitarian consequences from the start, and it had pressed the Israeli government to compensate families removed from their land). In a discussion on Article 49 [on the deportation or transfer of protected persons] of the Fourth Geneva Convention – held just before Committee members visited the region in December 1971 (see below) – the ICRC noted that “up to now, the ICRC did not feel it was in a position to raise this issue, since none of the parties to the conflict had requested its services as a substitute protecting power. But we must consider the wisdom of remaining silent in the face of such a clear violation of the Fourth Convention”.\textsuperscript{232}

This point continued to arise, especially in discussions on the ICRC’s potential role as a (substitute) protecting power.

During the 1967 war, the ICRC began to work on behalf of Jewish minorities in Arab countries, mainly Egypt and Syria. It contacted governments many times, framing the issue in terms of protecting civilians pursuant to the Fourth Geneva Convention. It also met with representatives of these communities on occasion.

The 21st International Conference (Istanbul, September 1969) addressed the application of the Fourth Geneva Convention. In Resolution X, it deplored the fact that some parties did not fully comply with their obligations under this Convention and invited “all parties” (none is singled out) to do so. Resolution III of the 22nd International Conference (Tehran, December 1973) issued a similar appeal, while also encouraging all Parties to the Geneva Conventions “not only to respect, but also to ensure respect for the Conventions in all circumstances”, taking up the language of Article 1 common to the Geneva Conventions.

The violence was continuous after 1967. It flared up again during the Yom Kippur War, which lasted from 7 to 24 October 1973.\textsuperscript{233} The ICRC worked constantly with prisoners of war: it carried out visits under the Third Geneva Convention and played a role in prisoner exchanges in accordance with agreements reached between the countries in question (mainly Israel, Syria and Egypt) or between Israel and Palestinian organizations active in the occupied territories.\textsuperscript{234} The prisoner-of-war issue gave rise to constant bargaining and pressure between the parties. The ICRC’s steadfast efforts ran up against an

\textsuperscript{230} Letter from President Naville dated 30 April 1971. Prime Minister Meir sent a negative response on 20 August 1971.

\textsuperscript{231} The ICRC defended these organizations despite the Israeli military administration’s desire to see them suspended. On paper, such organizations should have been considered part of the Jordan Red Crescent. Could there really be a "Palestinian" Red Crescent? The ICRC was fully aware of the controversy. (In the minutes of the 27 March 1969 Presidential Council meeting one can read: “there is no Palestine” – A PV C 1 P I 17 (1969).) The ICRC nonetheless maintained a pragmatic working relationship with these entities.

\textsuperscript{232} “Liste des demandes à présenter et des questions à traiter en RAU et en Israël”, SP 786, dated 31 August 1971, and minutes of the 1–2 September 1971 Assembly meeting – A PVA P1.34 (1971).

\textsuperscript{233} A Libyan plane was also shot down over the Sinai by the Israeli air force on 21 February 1973. The ICRC visited the wounded and organized the transfer of survivors and mortal remains to Egypt and Jordan.

\textsuperscript{234} The largest exchanges of prisoners of war to take place were the following: December 1969 (all existing POWs repatriated); June 1973; November 1973 (8,300 Egyptians, 3 Iraqis and 241 Israelis); January–February 1974; 1 June 1974 (25 Syrians, 1 Moroccan and 12 Israelis); and 6 June 1974 (367 Syrians, 10 Iraqis, 5 Moroccans and 56 Israelis). There were also various other exchanges of one to a handful of military or civilian detainees, which took place as discussions between the parties continued and as new captures were made in the border regions. The ICRC generally oversaw these releases and exchanges but did not participate in the negotiations themselves.
array of obstacles and delaying tactics, especially when it came to access to prisoners, which was often only granted weeks or even months after their capture.\textsuperscript{235}

Committee members were regularly briefed on the delegates' work at Assembly meetings and often discussed the organization's attempts to promote compliance with the Fourth Convention. After sounding out the parties to the conflict, the ICRC decided to simultaneously approach all of them at the highest level. In December 1971, three of its members travelled to the region: Max Petitpierre went to Egypt, Frédéric Siordet went to Jordan, Lebanon and Syria, and Victor Umbricht went to Israel. Their talking points largely overlapped, with a focus on compliance with the Third and Fourth Geneva Conventions. The ICRC also offered its services as substitute protecting power, pursuant to Article 10 of the First, Second and Third Conventions and Article 11 of the Fourth Convention. ICRC President Naville reiterated and clarified this position in a speech given at the second Conference of Governmental Experts on the Reaffirmation and Development of International Humanitarian Law (Geneva, 3 May to 3 June 1972). After further internal debate, the ICRC sent a \textit{note verbale} to all parties – Israel, Egypt, Syria, Jordan and Iraq – on 25 September 1972, formally offering its services as a substitute protecting power.\textsuperscript{236} The offer was not accepted.

During the Yom Kippur War, in addition to its formal representations and its work on the ground (medical assistance, visits to prisoners of war and Tracing Agency work), the ICRC took two initiatives on the legal front:

- On 11 October, the ICRC sought to apply the following provisions of Part IV (Civilian Population) of the future Additional Protocol I: Article 46 (Protection of the civilian population), Article 47 (Protection of civilian objects) and Article 50 (Precaution before an attack). The draft text of the protocol had just been finalized by the ICRC following consultations with a Commission of Government Experts, and it was to be discussed at the Diplomatic Conference in early 1974. Egypt, Iraq and Syria accepted the proposal but, in a letter dated 19 October 1973, Israel refused.

- On 12 December 1973, the ICRC contacted the parties to the conflict and offered to create a joint fact-finding commission (pursuant to Article 52 of the First Geneva Convention, Article 53 of the Second Geneva Convention, Article 132 of the Third Geneva Convention and Article 149 of the Fourth Geneva Convention) to look into complaints lodged by either side. It heard back from Egypt in March 1974 and from Israel in August 1974, neither of which rejected the proposal outright. It proved impossible to move forward on creating a commission, however, given the parties' divergent views on its scope of action: Israel wanted to limit it to violations of the Third Geneva Convention, while Egypt was more interested in violations of the Fourth Convention.

In a memo sent to all States party to the Geneva Convention dated 21 January 1974, the ICRC condemned the intrusion of political considerations into the application of international humanitarian law as an impediment to its effectiveness. It also called on all States, pursuant to Article 1 common to the Geneva Conventions, to respect and ensure respect for the Geneva Conventions in the Middle East. This appeal was particularly urgent in view of the upcoming Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (the first session of which ran from 20 February to 29 March 1974).

The ICRC's work in the Middle East since 1967 was not limited to activities carried out on behalf of prisoners and other people entitled to protection under international humanitarian law. It also had an extensive relief component; for example, it distributed wheat flour in the West Bank in an initiative

\textsuperscript{235} In Syria for example, it was only on 1 March 1974 that the ICRC gained access to Israeli prisoners of war captured in October 1973. Before that, from 1970 to 1973, the ICRC was not able to visit three Israeli pilots in their place of detention and had to wait 8 to 18 weeks to meet them at all. It should be remembered that this work in the Middle East (and elsewhere) was taking place during negotiations intended to lead to the reaffirmation and development of international humanitarian law: the first session of the Diplomatic Conference was held from 20 February to 29 March 1974. This led Roger Gallopin, president of the Executive Council, to state that "the ICRC was completely dissatisfied with the whole Syrian-Israeli affair. The situation is even more serious when placed in the context of the Diplomatic Conference, where it will surely be brought up. (…) The incident is also revelatory: it proves once again that it is indispensable to focus first on reaffirming international humanitarian law before working to develop it" – Minutes of the 28 February 1974 Executive Council meeting – A PV C2 Pl 2 (1974).

\textsuperscript{236} The text of this note \textit{verbale} and related documents can be found under archives reference B AG 202 139-040.
funded by the European Economic Community and Switzerland. At the end of October 1973, the ICRC issued an appeal for SFr 3 million, which was covered mainly by the National Societies of the Federal Republic of Germany, Sweden, the Netherlands, Switzerland, Denmark, the United States, Austria and the United Kingdom. In 1974, contributions worth another SFr 5 million came in from governments and National Societies. In 1975, contributions dried up for this underfunded action, which was then switched to the permanent budget.

While continuing its wide-ranging efforts in the region, the ICRC stated in its 1975 Annual Report that violations of the Fourth Geneva Convention were an ongoing problem and that it could not “accept that a duly ratified international treaty may be suspended at the wish of one of the parties”.

In July 1973, Jean-Pierre Hocké, the new delegate-general for the Middle East, had presented the following assessment to the Executive Council: “(...) in some areas – prisoners of war, civilian internees, family reunification – the ICRC has done a lot and obtained a lot. In other areas – the destruction of houses, transfers, expropriations, settlements – we have achieved relatively little. It has taken time for the extent of certain problems to become clear. We have constantly reiterated the underlying principles, but our efforts have focused on dealing with the consequences”.

DEVELOPING A HOSTAGE POLICY

From 1968 to 1970, the ICRC found itself caught up in a combination of attacks, hostage-taking incidents, arrests and multilateral diplomacy taking place against a backdrop of violence that surpassed the geographical confines of the conflict between Israel and its Arab neighbours. It was these events that led the organization to consider its policy (and planned response) in hostage-taking situations. A number of events informed that policy:

- In July 1968, the ICRC visited two Palestinian detainees in Athens after they attempted to hijack an El Al flight; in December 1969, it visited two Jordanian nationals who attacked the El Al offices in Athens.
- On 18 February 1969: an El Al plane in Kloten (Zurich) was attacked. The ICRC made three visits to the Palestinians involved, who were being held by the Swiss authorities.
- On 20 August 1969, an American plane headed to Tel Aviv was hijacked and forced to land in Damascus. The ICRC sought the release of six Israeli passengers, whom it considered to be protected under the Fourth Geneva Convention. It visited them until they were released and allowed to leave Damascus (in two groups, on 1 September and 5 December).
- On 23 July 1970, a Palestinian group seized an Olympic Airways plane when it landed in Athens. ICRC Delegate-General André Rochat, who was on another plane arriving from Cairo, offered to mediate between the Greek government and the group (which was demanding the release of seven Palestinians being held in Greece). The negotiations led to the passengers being released and the plane going on to Cairo with the Palestinian group and Rochat on board.
- On 6 September 1970, a TWA plane and a Swissair plane were forced to land near Zarqa, Jordan, by members of the Popular Front for the Liberation of Palestine (PFLP). On 9 September, a BOAC plane was also forced to land at Zarqa. Upon request by the PFLP and the governments involved (Federal Republic of Germany, United States, the United Kingdom and Switzerland), the ICRC was brought in to visit the hostages and provide material assistance. The challenging conditions in which the ICRC was operating were further complicated by the civil war that broke out in Jordan on 17 September (partly as a result of the hijackings). The ICRC managed to evacuate the hostages through a variety of efforts, despite the dangers and the risk of being manipulated
by one or both sides. The hostage situations were resolved at the end of September, as the West German, British and Swiss governments released the Palestinians they were holding. The last of them were flown to Cairo on 1 October 1970. The ICRC published several press releases over the course of this period and described its involvement, both before and during the civil war in Jordan, in two successive issues of the *IRRC*.242

The ICRC had begun considering how to respond to hostage situations at the start of 1970 and came up with its (first) policy in this regard by the end of the year. The topic was discussed in the Assembly Council on 21 May and 27 August 1970,243 and in November the organization adopted its policy on hostage-taking,244 which it then shared with the National Societies and published in the *IRRC* in an article entitled “The ICRC and the Taking of Hostages”.245

Events in Lod, Israel on 8 and 9 May 1972 forced the ICRC to revise its policy. Upon request by Palestinians, it had agreed to serve as the intermediary between a Palestinian group that had hijacked a Sabena plane from Vienna to Tel Aviv and the Israeli authorities (whose approval was understood to have been given in Tel Aviv). It then began to pass proposals and counterproposals back and forth between the parties. It was caught off guard when the Israeli army suddenly seized the plane by force. Considering itself to have been manipulated by the Israeli army, the ICRC immediately issued a press release246 in which it asserted that it had acted in good faith and “firmly reject[ed] both the attempts to manoeuvre it and the accusations that it willingly lent itself to such a manoeuvre”. The ICRC’s reputation was nevertheless damaged, both in the eyes of the Israeli public (which saw the ICRC as supporting terrorism) and the Arab world (which accused it of complicity with Israel). The ICRC carefully analysed the event247 and subsequently revised its position on hostage situations: the new policy was reviewed over the course of several Committee meetings, approved in September 1972248 and published in the 1972 Annual Report. Other hostage situations and attacks also took place outside the region in conflict.249

**JORDAN**

The events in Zarqa amounted to just one episode in a civil war that swept through Jordan from 17 to 27 September 1970. (The humanitarian response did not end until December.) On 24 September, the ICRC and the League issued a fundraising appeal for Sfr 22 million. A large-scale operation was put into place using Beirut’s airport as a logistical base for delivering medical and relief materials as well as staff from a large number of National Societies250 and some governments251 to Amman. This operation was run by a relief-coordinating group led by Kai Warras, secretary-general of the Finnish Red Cross. The

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243 The Presidential Council’s initial stance, recorded on 21 May 1970, was against ICRC involvement: “As for the increasingly widespread policy of taking hostages with the goal of making exchanges, the Presidential Council has decided that, apart from cases that are justifiable for humane reasons, the ICRC shall refuse to engage in transactions with illegal or immoral elements.”


247 The Assembly held three meetings on the subject: on 10 May, 18 May and 7–8 June 1972. In addition to an entire dossier on the event itself (SP 806, dated 1 June 1972 – A PVA Pl 35 (January 1972–June 1973)), the Assembly was also presented with a number of position statements from Committee members (Ruegger, Petitpierre and Micheli, SP 805) and international law documents (SP 806).


249 One case of note occurred in Munich: on 5 September 1972, eleven athletes of the Israeli Olympic team were taken hostage and executed by a unit of the Black September Organization. Six of the unit’s eight members were then killed during a police raid. The ICRC was not involved in the incident, but the “Munich massacre” had serious consequences in areas where the ICRC was working: on 9 September, the Israeli air force began bombing PLO positions in Syria and Lebanon.

250 A total of 38 National Societies participated, principally those of: Belgium, Canada, Denmark, Finland, France, the Federal Republic of Germany and the German Democratic Republic, Iceland, Ireland, Italy, Kuwait, Lebanon, Morocco, the Netherlands, Norway, Romania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Turkey, the USSR and the United States. The National Societies of the Philippines, Ethiopia and New Zealand also made noteworthy contributions.

251 Primarily Canada, Cyprus, France, the United Kingdom, the Netherlands, Norway, Switzerland and the United States. Various NGOs also contributed, including Oxfam, Save the Children and the Lutheran World Federation, as did the European Economic Community.
group was set up in early October and incorporated into the ICRC’s operations, not jointly managed. It included staff from the League and numerous National Societies, including the Tunisian Red Crescent, which represented Arab National Societies. It remained in place until the relief effort came to an end. The National Societies considered this a “model” operation on which the ICRC should base its future relief efforts.

IRAN AND IRAQ

In February 1969, Iran announced its wish to revise its 1937 treaty with Iraq governing the border and waterways between the two countries in the Shatt al-Arab region. Iran then proceeded to expand its commercial and military presence on the river. Iraq responded by shifting large numbers of people (around 18,000 people in April and May 1969) from its territory to Iran. Some were Iranian minorities, and many families were left separated by the border. André Rochat, the ICRC’s delegate-general for the Middle East, accepted Iran’s invitation to visit in June, reporting on his trip at the 3 July Assembly meeting. The Assembly then asked him to go to Baghdad (which he did in August 1969) to try to resolve the problem (in part through the return of some groups back to Iraq). With the agreement of both sides, the ICRC briefly opened a delegation in Baghdad to provide support; it closed in March 1970 when the situation appeared to be resolved. At the end of 1971, Iran again asked the ICRC to intervene, this time on behalf of around 50,000 Iranian nationals who had been forced to leave Iraq and who were living in camps run by the Iranian Red Crescent. The ICRC quickly sent delegates to the two capitals in January and February 1972 and helped set up a meeting between the two National Societies on 12 May 1972, where it attended as an observer. A second meeting was held in Baghdad in July. The two National Societies then decided to hold bilateral meetings. The ICRC maintained a dialogue with the two countries on the issue but its involvement was no longer requested.

IRAQI KURDISTAN

Working from Iran, the ICRC took an interest in the situation of civilians living in Iraq’s Kurdistan region. In 1963, it began passing along relief and medical assistance from private associations and National Societies to Kurdish associations in charge of distributing them. To avoid offending Baghdad, the ICRC sought to avoid sending delegates. But it ended up doing so in January 1975, in order to visit 159 Iraqi soldiers who had been captured by Kurdish armed forces. (These captives were freed and repatriated through Iran with the help of the Iraqi Red Crescent Society). The ICRC, worried about the resumption of armed clashes in March 1974, offered its services to the Iraqi authorities on 19 December 1974; it received no response. After an agreement was reached between Iraq and Iran in March 1975, the Iraqi government asked the ICRC to stop providing relief to Kurds via Iran. The ICRC also stopped overseeing the repatriation of Kurdish refugees from Iran to Iraq, a task it had carried out in February and March 1975 at the Iraqi government’s request. The ICRC publicly announced the end of its work on behalf of the Kurdish people in a press release published on 20 March 1975.

LEBANON

The ICRC first became active in Lebanon in 1967. Beirut turned into an important regional logistical base that was used to support the organization’s work in the Middle East and, in 1974, Cyprus. Violence erupted in Lebanon in April 1975 and degenerated into a long civil war. On 2 November the ICRC opened a “national” delegation in Beirut and set up medical and relief activities with the backing of 22 National Societies. Clashes between the various factions not only hindered the free movement of residents in the affected areas, they also hampered the work of humanitarian organizations. These were frequently attacked, including on 23 May when a convoy made up of the ICRC, the Lebanese Red Cross and the

252 A detailed document (SP 719) was written based on Rochat’s report to the 3 July 1969 Assembly meeting – A PVA PI 32 (1969).
253 Far from being resolved, the dispute over the Shatt al-Arab would lead to an eight-year war between Iraq and Iran beginning in September 1980.
“Palestinian Red Crescent” was targeted, and one driver was seriously injured. The three organizations immediately published a joint statement calling for the warring parties to respect the red cross and red crescent emblems – a statement that was largely ignored. On 21 December 1975, the ICRC issued a broad appeal for material and financial support for its work in Lebanon as the country plunged further into civil war.254
DEVELOPING INTERNATIONAL HUMANITARIAN LAW

International humanitarian law (IHL) is a set of rules that, in times of armed conflict, protects people who are not – or no longer – taking part in hostilities. This body of law is also referred to as the law of armed conflict or the law of war. At the start of the period under study, the four Geneva Conventions of 1949 represented the main instruments of IHL. Yet the changing nature of conflict meant that this body of law needed to be analysed and expanded. The ICRC took a major step in this direction in 1965 when it initiated a project that would lead to the Protocols additional to the Geneva Conventions, which were adopted in 1977.

MORE COUNTRIES RATIFY THE GENEVA CONVENTIONS

The strength of the Geneva Conventions derives in part from their widespread acceptance. The ICRC spared no effort in promoting and spreading awareness of IHL in pursuit of its goal of universal ratification. It reached out to governments around the world, sending letters from Geneva and establishing contacts locally through its delegates. Between 1966 and 1975, 30 more States ratified the Geneva Conventions:

- Central African Republic (1 August 1966)
- Republic of Korea (16 August 1966)
- Kenya (20 September 1966)
- Zambia (19 October 1966)
- Gambia (20 October 1966)
- Republic of the Congo (4 February 1967)
- Kuwait (2 September 1967)
- Malawi (5 January 1968)
- Botswana (29 March 1968)
- Lesotho (20 May 1968)
- Guyana (22 July 1968)
- Malta (22 August 1968)
- Barbados (10 September 1968)
- Uruguay (5 March 1969)
- Ethiopia (2 October 1969)
- Costa Rica (15 October 1969)
- Yemen (16 July 1970)
- Chad (5 August 1970)
- Mauritius (18 August 1970)
- Fiji (9 August 1971)
- Bahrain (30 November 1971)
- Burundi (22 December 1971)
- Bangladesh (4 April 1972)
- United Arab Emirates (10 May 1972)
- Singapore (27 April 1973)
- Swaziland (28 June 1973)
- Oman (31 January 1974)
- Guinea-Bissau (21 February 1974)
- Bahamas (11 July 1975)
- Qatar (15 October 1975).
By 31 December 1975, there were 135 States party to the Geneva Conventions (the United Nations had 144 members at the time).

**REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW**

Updating and further developing IHL was an ongoing concern for the ICRC. It made enormous progress during the period under study with the adoption of two Protocols additional to the Geneva Conventions in 1977. The process was also marked by a sense of competition between the ICRC and the UN.

The ICRC was well aware of the challenge of achieving compliance with the Geneva Conventions. The following comment, referring to the conflict in Viet Nam, was made at a Presidential Council meeting: “The Geneva Conventions, under the current circumstances, are like a small island in the middle of a swamp and will continue to sink, slowly but surely, if the Committee does not act”. In fact, the ICRC had already begun to react at the 20th International Conference (Vienna 1965), where the Fundamental Principles of the Red Cross (and Red Crescent) were approved. In Resolution XXVIII, the Conference: “solemnly declares that all Governments and other authorities responsible for action in armed conflicts should conform at least to the following principles: that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited; that it is prohibited to launch attacks against the civilian populations as such; that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible; that the general principles of the Law of War apply to nuclear and similar weapons”. In the same resolution, the Conference “urges the ICRC to pursue the development of International Humanitarian Law (...) with particular reference to the need for protecting the civilian population against the sufferings caused by indiscriminate warfare”.

As a result, on 19 May 1967, the ICRC sent a memo signed by President Gonard to all States party to the Geneva Conventions on the “Protection of civilian populations against the dangers of indiscriminate warfare”. That document reviews the legal principles discussed in Vienna and asks the States to codify them, since this component of IHL dated back to the Hague Conventions of 1907 and was outdated and insufficient. The memo, sent just before the Six-Day War, aroused little interest.

Another opportunity to develop IHL came a year later, with the first International Conference on Human Rights. This conference, held under the auspices of the UN, took place in Tehran from 22 April to 13 May 1968 and brought together 500 participants from 80 countries. The ICRC was apparently unaware of the political importance of the conference and declined the invitation. It was only through the Swiss Federal Political Department (which was alerted by its representative at the conference, Ambassador August Lindt) that the ICRC learned, on 6 May, that a resolution had been introduced by India on respect for human rights in situations of armed conflict. The resolution mentioned the Geneva Conventions and stated that their scope was not broad enough to apply to all armed conflicts. This resolution (number XXIII), adopted on 12 May 1968: “[r]equest[ed] the General Assembly to invite the

255 Minutes of the 22 February 1968 Presidential Council meeting – A PV C1 Pl 16 (1968). During the period under study, the ICRC noted the most obvious violations in the countries where it was working: the conduct of hostilities in Viet Nam, non-compliance with the Third Convention by North Viet Nam and then India, Israel’s refusal to recognize the applicability of the Fourth Convention, and the extreme difficulty of delivering aid to civilians in Nigeria/Biafra.

256 The ICRC’s file on this conference can be found in its archives under reference B AG 130 – 068. The decision not to participate in the Tehran conference is all the more strange given that, in 1966, the ICRC began to worry that the new post of UN High Commissioner for Human Rights (proposed by Costa Rica in 1965) would infringe on its mandate. President Gonard raised the issue with UN Secretary-General U Thant in New York on 11 February 1966 and in a subsequent letter dated 6 May 1966. Claude Pilloud had also shared his concerns with the Federal Political Department prior to the Tehran conference. It would take several more years before that position was created. The secretary-general of the International Commission of Jurists, Sean MacBride, attended the conference and came up with the resolution on protecting human rights during armed conflicts; it was he who informed the ICRC of the outcome in a letter to Pilloud dated 15 May 1968 and in a meeting with Pilloud and René-Jean Wilhelm on 29 May 1968.

257 Lindt, at the time Switzerland’s ambassador in Moscow, was made available to the ICRC by the Federal Council in August 1968 and became general commissioner of the operation in Nigeria/Biafra.
Secretary-General to study (…) the need for additional humanitarian international conventions or for possible revision of existing Conventions to ensure better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare."

The resolution also included a request that the UN secretary-general consult with the ICRC. U Thant did just that in a letter dated 20 August 1968, to which President Gonard was quick to reply: in a letter dated 18 September 1968, Gonard laid out the legal principles agreed upon in Vienna and mentioned the ICRC’s memo of 19 May 1967. The ICRC was then informed by the Federal Political Department that the UN General Assembly was going to examine the outcome of the Tehran Conference and was preparing a draft resolution sponsored by India, Afghanistan, Jamaica, Uganda and several Nordic countries. The ICRC sent Claude Pilloud to New York in October 1968 to join in these discussions. General Assembly Resolution A/RES/2444 (XXIII), entitled “Respect for human rights in armed conflicts”, was passed in the 19 December 1968 plenary session. It drew largely on Resolution XXVIII of the 20th International Conference of the Red Cross in 1965, including the resolution’s first three principles cited above. It thus represented a major step towards bridging the gap between the ICRC and the UN’s efforts on IHL. In a report prepared for the 21st International Conference of the Red Cross in Istanbul, the ICRC spent several pages comparing its approach to developing IHL with the UN’s (while also reaffirming its dedication to this work). The report notes that the UN was more swayed by politics, that its understanding of the law of war was framed by the Cold War and that its approach focused primarily on nuclear disarmament.258

The ICRC obviously did not wait for the outcome of the UN conference in Tehran to begin updating IHL (Resolution XXVIII had already been drafted at the 1965 International Conference). The UN conference did inject some momentum into the process however: at a June 1968 Assembly meeting, Jean Pictet reported that the “group of jurists” was in favour of moving ahead and obtained the Committee’s support for undertaking a significant legal initiative. In Pictet’s words: “Given the shortcomings of States and institutions, it seems the time has come for the ICRC to take the initiative. It is qualified for this task, since it worked on revising the Geneva Conventions. And its neutrality may save the undertaking from the shifting sands of politics”.259

The ICRC did not waste any time. It began by inviting experts from various countries (including military officers, jurists and Red Cross officials) to attend a conference, chaired by Pictet, from 24 to 28 February 1969.260 The group agreed on the urgent need to expand IHL in various areas, including: weapons that cause superfluous injury, means and methods of warfare, non-international armed conflicts, and the application of IHL by UN forces. The ICRC took these conclusions and prepared a detailed report to be debated at the 21st International Conference of the Red Cross (Istanbul, 6–13 September 1969).

Resolution XIII of this International Conference, which referred to both the UN resolutions and the ICRC’s work, asked the ICRC to “propos[e], as soon as possible, concrete rules which would supplement the existing humanitarian law” and, after consulting with experts and seeking the opinions of governments, “if it is deemed desirable, recommen(d) the appropriate authorities to convene one or more diplomatic conferences of States parties to the Geneva Conventions and other interested States, in order to elaborate international legal instruments incorporating those proposals”. The ICRC was thus mandated to supervise the legal work in cooperation with the UN.

258 In this report, the ICRC also wrote that in General Assembly discussions held on 9–10 December 1968, some asked that the fourth principle relating to nuclear weapons be omitted, which was allowed. This 153-page report, entitled Reaffirmation and Development of the Laws and Customs Applicable in Armed Conflicts, contains several annexes, including UN documents. In it, the ICRC clearly states that it had not given up on the issue, but that precedence was given to rules applicable to the types of conflict occurring at the time.

259 Presentation to the Assembly, reproduced in “Restauration du droit de la guerre”, SP 669. See minutes of the 5–6 June 1968 Assembly meeting – A PVA Pl 31 (1968).

260 Marc Schreiber, an Austrian jurist and the director of the UN’s human rights division, also participated. Schreiber was the chief architect and “inheritor” of the Tehran conference. Eighteen experts took part in this work, plus three who submitted written opinions.
In December 1969, the group of jurists led by Pictet provided the Assembly with a draft outline of the legal work that would be completed by the ICRC (in consultation with various experts during the writing process) before the meeting of government experts planned for 1971. The outline included the following issues: protecting the civilian population against the effects of hostilities; protecting victims of internal conflicts; rules of behaviour between combatants; combatant status and the issue of guerrilla warfare; rules on reprisals, sanctions and monitoring; protections for those engaged in civil defence; protecting civilian medical and nursing staff; protecting medical transports; and marking hospital ships.261 Pictet immediately sent a telegram to Marc Schreiber, the director of the UN Human Rights Division, informing him that the ICRC was moving forward with the process and that the UN Secretariat would be invited to participate. A work plan was developed in early 1970 with Schreiber and in consultation with the Federal Political Department.262

Following a year’s hard work, the ICRC, with the support of the Dutch Red Cross, organized the Conference of Red Cross Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. The conference took place in The Hague from 1 to 6 March 1971. Conference participants worked on the documents that had been prepared for Istanbul and the preliminary documents that the ICRC was preparing for a conference of government experts set for mid-1971 in Geneva. Thirty-four National Societies took part in this consultation, which supported the main points proposed by the ICRC.263 The participants did, however, suggest strengthening the ICRC’s right of initiative in non-international armed conflicts and asking armed opposition (“insurgent”) forces to commit to respecting IHL.

The ICRC then organized the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts from 24 May to 11 June 1971 in Geneva. It was attended by 200 participants from 41 governments along with representatives of the UN secretary-general, who together examined the draft additional protocols prepared by the ICRC.264 Because the participants were unable to cover all the points on the agenda, they requested a second session. This took place from 3 May to 3 June 1972, and this time all States party to the Geneva Conventions were invited. In all, 400 experts from 77 countries attended this second session. The work was divided up among four commissions. The first commission dealt with the protection of the wounded, the sick and the shipwrecked, in both international and non-international armed conflicts; the second commission addressed non-international armed conflicts – examining clauses that could be used to broaden Article 3 – and the issue of guerrilla warfare and protecting the civilian population; the third commission looked at the protection of civilians against the effects of hostilities, the behaviour of combatants and the treatment of war correspondents; the fourth commission handled all questions of compliance with the law, observance and control procedures regarding its application and sanctions in the event of violations.

The ICRC’s main proposals were all accepted. These included imposing limits on the conduct of hostilities (in order to protect civilians); affirming that atomic weapons were unlikely to be compatible with the rules on protecting the civilian population (the conference participants, while acknowledging that the Disarmament Conference was addressing this issue, nevertheless sought to establish rules for contemporary conflicts); and protecting non-military objectives. The success of this consultation effort, again led by Pictet, added weight to the ICRC’s legal authority and drew a neat dividing line between the ICRC’s work on IHL and that of the UN (which would continue prioritizing human rights law and disarmament).265

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262 Discussion with the ambassadors Anton Thalmann – in charge of international organizations — and Rolf Bindschedler, head of the public international law division.
263 The ICRC organized a second consultation with National Societies from 20 to 24 March 1972 in Vienna. In November 1971, it also held an informational meeting in Geneva for NGOs interested in the subject.
264 Jean Pictet, reporting to the Assembly on the positive outcome of the first session, said the United States delegation had called the ICRC “the only organization capable of advancing international humanitarian law” – Minutes of the 25 June 1971 Assembly meeting – A PVA PI 34 (1971).
265 From the start, a sort of competitiveness existed between the ICRC and the UN when it came to developing international humanitarian law. Jean Pictet remarked in his report on the June 1971 consultation with government experts: “The efforts of Mr Schreiber, the director of the United Nations’ human rights division, to draw the issue into his organization’s orbit did not find much support in the end” – Minutes of the 16–17 1971 Assembly meeting – A PVA PI 34 (1971).
During the second session, held in June 1972, the experts asked the ICRC to oversee a consultation on the issue of "conventional" weapons (later renamed "classic" weapons); this would force the ICRC to expand its legal analysis beyond the scope of IHL alone. The ICRC agreed to this request and organized the Conference of Government Experts on Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects. It covered two sessions: one from 24 September to 18 October 1974 in Lucerne and one from 28 January to 26 February 1976 in Lugano. Participants made progress in key areas and advanced the idea of an international treaty aimed at prohibiting or restricting the use of certain weapons (such as booby-traps, blast and fragmentation weapons, and remotely operated mines). The consultation proceedings were sent to the Diplomatic Conference, which formed an ad hoc commission to examine various ways of prohibiting or restricting the use of these weapons without, however, attempting to incorporate them into the Additional Protocols. During its fourth session, the Diplomatic Conference recommended "that a Conference of Governments should be convened not later than 1979 with a view to reaching (...) agreements on prohibitions or restrictions on the use of specific conventional weapons including those which may be deemed to be excessively injurious or have indiscriminate effects, taking into account humanitarian and military considerations..."\(^{266}\)

The International Conferences of the Red Cross were instrumental in securing approval for the ICRC's efforts to further develop IHL. The two draft additional protocols were presented at the 22nd International Conference (Tehran, 8–15 November 1973), where participants closely examined them and suggested modifications. In Resolution XII, the International Conference welcomed the draft texts and the decision by the Swiss Federal Council to convene a Diplomatic Conference for the purpose of reaffirming and developing IHL. The resolution also "urge[d] the Diplomatic Conference to consider inviting national liberation movements recognized by regional intergovernmental organizations to participate in its work as observers in accordance with United Nations practice". While participants focused on developing IHL, they did not overlook the important issue of weapons of mass destruction. They asked the UN to continue its efforts to reach an agreement in this area, and they asked the ICRC, "consistent with its work for the reaffirmation and development of humanitarian law" to continue "to devote attention to the question of weapons which may cause unnecessary suffering or have indiscriminate effects" (Resolution XIII). The Tehran Conference also expressed hope that the negotiations on the draft additional protocols would be short and productive.

The Swiss Confederation, as the depositary State of the Geneva Conventions, sent out a note diplomatique on 24 July 1973 convening a Diplomatic Conference in Geneva for the purpose of examining the draft texts prepared by the ICRC following these consultations. The Diplomatic Conference was chaired by Federal Councillor Pierre Graber and attended by 155 governments; depending on the session, between 107 and 124 of them took active part. A group of observers comprising 11 liberation movements and around 50 intergovernmental and non-governmental organizations were also in attendance. The Conference spanned four sessions:

- from 20 February to 29 March 1974
- from 3 February to 18 April 1975
- from 21 April to 11 June 1976 and
- from 17 March to 10 June 1977.

The final versions of the Additional Protocols were adopted on 8 June 1977; the final Act of the Conference and several resolutions were adopted on 10 June 1977.

The ICRC's draft text had been sent to the States party to the Geneva Conventions, together with the note diplomatique, and to those who would attend the International Conference of the Red Cross in Tehran. It was divided into two treaties with a number of overlapping provisions:

- A draft Protocol Relating to the Protection of Victims of International Armed Conflicts, composed of 90 articles divided into the following sections: General provisions; Wounded, sick and shipwrecked; Methods and means of combat; Prisoner-of-war status; Civilian population; Execution

The first session of the Diplomatic Conference started on 20 February 1974, although the real work did not begin until 11 March. The first few weeks were devoted to side discussions on how the Conference should be organized, deliberations over whether liberation movements should be invited to participate, and a general discussion (held from 5 to 11 March). Then, three committees were set up and worked simultaneously. Committee I, after lengthy discussions and votes, adopted what would become Article 1 of Additional Protocol I (General principles), the second paragraph of which clearly framed the scope of the Protocol. “The situations referred to in the preceding paragraph [conflict situations as identified by Article 3 common to the Geneva Conventions of 1949] include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”. The other two committees made progress (on protection for the wounded, sick and shipwrecked, and the definition of civilians and civilian populations) but, like the first committee, were unable to complete their work. The chairman adjourned the proceedings and announced that they would resume on 3 February 1975. Discussions would pick up where they left off: there would be no need for another general discussion, and the debate on who could participate in the conference had already been settled.

Jean Pictet presented the results of the first session to the Assembly. He was pleased to report that the sensitive political issue of who could participate in the conference had been dealt with and that the conference did not reject the ICRC’s draft texts, although they had been discussed extensively and numerous amendments proposed. As in UN discussions, some speakers were ill prepared; for example, some confused jus ad bellum (justification for going to war) and jus in bello. Thankfully, the first article of Protocol I, upon which the entire project hinged, had been accepted. Pictet noted that it went beyond the traditional concept of international law, which applies to States alone. This was a major breakthrough in the eyes of a pragmatic organization like the ICRC, which had operational contacts with numerous liberation movements (and was likewise convinced that they needed to take part in the Diplomatic Conference).

During the second session, the participants made progress on a number of important articles but were unable to complete their work. A total of 70 articles were adopted. Interestingly, while the first committee engaged in a long discussion on appointing protecting powers and their substitutes, the ICRC was in talks with the parties to the conflict in the Middle East about serving as a substitute protecting power (particularly in regard to monitoring respect for the Fourth Geneva Convention). New concepts were

267 The draft protocols the ICRC prepared for the Diplomatic Conference differed from the initial project that was presented to the group of experts in 1972 on one essential point, which proved beneficial: Protocol II became “additional” not just to Article 3 common to the Geneva Conventions, but to the Geneva Conventions as a whole. Indeed, linking Protocol II to common Article 3 would have actually limited the latter’s scope of application. As it is, the scope of common Article 3 is broader than that of Protocol II.

268 In the end, 14 liberation movements recognized by the Organization of African Unity or the Arab League were accepted as observers. However, the Provisional Revolutionary Government of Viet Nam (PRG) was not accepted, by a vote of 38 to 37.

269 Article 1 was included in the final version of Protocol I with no changes, other than in the paragraph order. It was accepted as definitive at the end of the first session at the request of India, despite only a tenth of the draft protocol’s articles having yet been examined. (A total of 22 articles were adopted in committee during the first session in 1974.)

270 See minutes of the 1–2 May 1974 Assembly meeting – A PV A Pl 36 (1973-1974).

271 See the chapter on the ICRC’s activities in the Middle East. Prior to the Diplomatic Conference, the ICRC held an in-depth internal discussion on this issue (along with others related to the draft protocols), in which it confirmed its “willingness to assume the function of substitute protecting power in all cases where judged necessary and possible” without, however, making (or letting) the process become automatic. See the options examined in archives document D 1296, dated 26 March 1973, annexed to the minutes of the 4–5 April 1973 Assembly meeting (over the course of which various options were examined and decided upon) – A PVA Pl 35 (January 1972–June 1973).
During the third session in 1976, the articles in Protocol I on the wounded, sick and shipwrecked were finalized, as was the part on the methods and means of warfare. But the participants were unable to reach an agreement on the provisions concerning the status and protection of prisoners of war, as opinions varied on defining combatant status and identifying combatants among the civilian population. They did, however, agree on the determining factor of carrying arms openly during a military engagement. This was the criterion that had earned combatants in the wars in Algeria and Viet Nam a status similar to that of prisoners of war.\footnote{272} Highly divergent views also emerged when it came to the question of mercenaries, unexpectedly raised by Nigeria. Rather than treating mercenaries like combatants, who qualified for prisoner of war status, some participants did not wish to give them any rights at all, while others felt it appropriate to give them some minimal guarantees (listed in draft article 65). The issue would not be resolved until the fourth session.

Making progress on Protocol II was more challenging. Although nearly all provisions on the wounded, sick and shipwrecked were adopted along with those on protecting the civilian population, participants did not have time to address relief operations and remained sharply divided on the status of “rebel” combatants. They did appear to agree, at least, that combatants could not be prosecuted for taking part in hostilities (as long as they committed no crimes otherwise). Broadly speaking, participants fell into two groups. The first felt that Protocol II should only include humanitarian rules meant to protect conflict victims and those who were not or longer involved in the fighting, and that the use of force to restore public order was a matter for domestic law. The second group thought that international law should prevail over domestic law in such situations and that it should include rules on the conduct of hostilities in non-international armed conflicts.

At the fourth and final session in 1977, the compromises required for Protocol I to be approved were finally reached. The session covered the points pending since the previous year, such as combatant status, the treatment of mercenaries (who, although not entitled to POW status, could still be accorded it), protection of the civilian population, and relief actions. One important addition was the International Fact-Finding Commission, established by Article 90. When it came to Protocol II, however, a legal “coup” took place: Pakistan, speaking on behalf of several delegations, especially those from developing countries, presented a radically simplified draft that slashed the number of articles in the draft text from 48 to 24. All provisions that could even remotely be interpreted as giving rights to insurgent parties were deleted, and only strictly humanitarian rules were kept and simplified. All rules having to do with combatants, who qualified for prisoner of war status, some participants did not wish to give them any rights at all, while others felt it appropriate to give them some minimal guarantees (listed in draft article 65). The issue would not be resolved until the fourth session.

The Commentary on the Additional Protocols, concurring with the ICRC’s analysis at the end of the Diplomatic Conference,\footnote{275 “Diplomatic Conference – Summary of the fourth session’s work”, IRRC, Vol. 17, No. 196, July 1977, pp. 337–372.} concluded that: “Some delegations were rather disappointed, for the result fell short of their hopes, especially because of the high threshold for applying the instrument. Such

\footnote{272 See Jean Pictet’s presentation to the Assembly in the minutes of its 26–27 January 1975 meeting – A PVA Pl 37 (1975). One of the risks identified (which was eventually avoided) was the possibility that common Article 3 would be limited by Protocol II, in other words that they would have the same scope of application.}

\footnote{274 This element, with a few added clarifications, would become Article 44.3 of Additional Protocol I.}

regrets should not be disregarded, but nevertheless it should not be forgotten that Protocol II constitutes a body of minimum rules developed and accepted by the international community as a whole. Although it was not possible to go as far as one might have wished, the consensus in this particular case, apart from its intrinsic value, indicates an undeniable moral weight”.  

The result of this massive effort to develop and negotiate further developments to IHL did indeed fall short of what many participants – and the ICRC – had hoped for. Yet the result was still positive, in that it introduced important new factors in the “formidable struggle since the dawn of society between those who want to preserve, unite and liberate mankind and those who wish to dominate, destroy or enslave it.” It also consolidated the ICRC’s role as a driving force in this area of the law.

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278 During the decade spanned by the process of reaffirming and developing humanitarian law, the ICRC was also kept busy in the field (e.g. the Viet Nam War, the end of the Nigeria-Biafra War, conflicts in the Middle East, the conflict in Cyprus, and wars of independence in Bangladesh and various African countries).
HUMANITARIAN POLICY AND RELATIONSHIPS WITH OTHER ORGANIZATIONS

“Without denying its Geneva origins or the Western and Christian ‘environment’ in which it arose, the ICRC must constantly set these aside and examine every problem, whether general or practical in nature, from a universal standpoint and by seeking to understand local circumstances”. This comment during an Assembly meeting shows that, beyond its operations, the ICRC attached major importance to cultural and political considerations. The organization never engaged in activities without considering the legal ramifications and the implications in terms of its own policies. On the legal side, the Protocols additional to the Geneva Conventions came into being – from germination to writing to negotiation – during the period covered by this study. And when it came to policy, positions were taken on several issues, including the protection of security detainees, the fight against torture, hostage situations and relations with socialist countries. The ICRC also closely analysed its relationship with Switzerland and the United Nations, and it kept up regular contact with human rights organizations.

SECURITY DETAINEES

Françoise Perret and François Bugnion observed that none of the ICRC’s efforts on behalf of victims of internal strife or internal tensions from 1956 to 1965 could be considered decisive in expanding the organization’s powers or scope of action. In the period covered by our study, the ICRC continued to visit security detainees but also established a definite policy position. The ICRC’s first policy document, which guided its action in civil wars, internal disturbances and similar situations (“Intervention du CICR en cas de guerre civile, de troubles intérieurs et de situations similaires”), dates from 1965. It identifies the political and social factors that could justify the ICRC’s involvement in a given situation, but states only that “the ICRC’s assistance will be mainly in the form of visits to individuals who have been detained or deported”, without specifying the terms under which the visits would take place. However, according to another document approved shortly thereafter by the Committee, “delegates will seek to obtain approval to hold private meetings with the detainees of their choosing”. In reality, the ICRC was unable to adhere to a hard or consistent line on private meetings with detainees, as became apparent in Greece, Spain, Brazil, Viet Nam and Indonesia. The ICRC’s frustration was clear in a mid-1973 discussion on detainee visits in Indonesia: “Until the ICRC has determined its position as to whether witnesses can be present during visits to security detainees, the issue will be decided on a case-by-case basis, in view of the circumstances, and putting the detainees’ best interests first.”

Visiting security detainees was the responsibility of regional delegations, which the ICRC had begun setting up during this period: Yaoundé (May 1970), Addis-Ababa (August 1970) and Caracas (August 1971). The ICRC’s annual reports from these years contain lists of countries where the ICRC met with security detainees and the number of detention sites visited. While detainee visits were being debated internally, Jacques Moreillon was also conducting doctoral research on this topic at the ICRC. Moreillon had served as the first regional delegate in Latin America and would be sent to Africa in 1972 as...
delegate-general. Grateful to the organization for giving him full access to its archives, Moreillon trained his focus on the ICRC’s recent practice and was instrumental in establishing the organization’s official policy in this regard. He, along with other delegates-general and ICRC officials, attended a two-part seminar on security detainees, held in Geneva from 28 to 30 May and 24 to 26 September 1973 and chaired by Laurent Marti, assistant to the director of operations at the time. A number of proposals came out of this seminar and were delivered in early 1974 to the Assembly, which “considers it necessary and desirable for the ICRC to continue its active protection-related policy on behalf of security detainees as long as this action does not compromise its ability to carry out its traditional activities and as long as it has the material and human resources to do so.” Shortly thereafter, the Executive Council, at the request of the Assembly, approved the conditions under which the ICRC would agree to visit security detainees:

“In their offers of service, the ICRC delegates will request authorization to:
- see all security detainees
- speak with the detainees of their choosing freely and without witnesses
- return to the detention sites as needed.

Furthermore, when asking to visit security detainees, the delegates shall seek to:
- acquire the list of detainees, either from the authorities or from the detainees themselves;
- be permitted to carry out their visits without advance notice. (…)

While the Assembly-level documents do not provide a definition of “security detainee”, the summary of the 1973 seminar, written by Laurent Marti, does: “All individuals who are deprived of their freedom, with or without trial, owing to their opinions or to acts committed for reasons they consider political and that the authorities punish as crimes aimed at modifying the existing government. A key consideration for the ICRC will be that these people do not enjoy the normal protections and are generally considered enemies by the detaining authorities”.

The ICRC had met extensively with security detainees in southern Africa (South Africa and Rhodesia, starting in the mid-1960s) and Greece (starting in 1967). But it was not until September 1973, in Chile, that visits were conducted in accordance with a clear policy framework. The framework did not change substantially in the following years, and the requirement of private meetings remained sacrosanct.

TORTURE

The ICRC was also engaged in the fight against torture. Victor Umbricht, a member of the Executive Council, chaired a working group on the subject, which submitted its report to the Executive Council in August 1975 and then to the Assembly. The Assembly accepted the recommendations, which included having the Central Tracing Agency assemble all available information on torture collected by the ICRC’s delegations, systematically discussing cases of torture with governments so that perpetrators would be prosecuted and punished, and raising awareness of humanitarian principles (including the

284 J. Moreillon, op. cit., acknowledgements. Moreillon’s dissertation advisor was Jacques Freymond, who served as a member of the ICRC from 1959 to 1971 and as vice-president from 1965 to 1971.
286 Material from these seminars, as well as the official records, are available under archives reference B AG 225 000 (034) and (034.2). ICRC President Eric Martin and President of the Executive Council Roger Galopin also participated on an ad hoc basis.
290 The report, and the Executive Council’s decision to have it sent to the Assembly, are available in the documentation and minutes of the 21 September 1975 Executive Council meeting – A PV C2 Pl 3 (1975).
prohibition on torture) among military personnel and other detaining authorities as well as in medical circles. Another working group, answering to the director of the Department of Doctrine and Law (Jacques Moreillon), was set up to implement these recommendations and formulate instructions for delegations in this regard. In addition, the Assembly invited philanthropist Jean-Jacques Gauthier to attend a session and discuss his views, in view of his commitment to put an end to torture.292

HOSTAGE SITUATIONS

It was mainly events in the Middle East that prompted the ICRC to come up with a policy on hostage situations. The ICRC's position took shape between 1968 and 1972 and was described in articles in the *IRRC* in September 1970 and October 1972. It was mainly the incident in Lod on 8–9 May 1972 (when the ICRC felt it had been manipulated by the Israeli army, which forcibly seized a plane that had been hijacked by Palestinian militants) that triggered a fuller assessment of the issue, including written contributions from several Committee members. The ICRC's policy was approved by the Assembly in September293 and published in the *IRRC* in October 1972.294 In essence, the ICRC condemned any form of hostage-taking and admitted the possibility of providing assistance if it was in the best interests of the victims. The ICRC called on the parties involved not to use force, not to take any measures that could harm the hostages and not to impede the work of the ICRC's delegates while they were in contact with the hostage takers. Delegates could participate in the negotiations or simply serve as an intermediary. Either way, the ICRC reiterated that the parties themselves were accountable for all proposals exchanged, decisions made and acts committed, and the organization would bear no responsibility for any agreements concluded among the parties.

RELATIONS WITH SOCIALIST COUNTRIES

Largely through its president, the ICRC worked tirelessly to gain the support of communist governments for its efforts to visit prisoners of war held by North Viet Nam (see the section on Viet Nam). While working through diplomatic channels, the organization also took a hard look at its relationship with these countries. The Committee, repriming a discussion first held in 1958,295 devoted two sessions to the topic in 1966.296 It concluded that the communist sphere distrusted the ICRC, which it associated with the capitalist sphere. For Jean Pictet, Marxist ideology, in which the State's interests trumped those of the individual, was simply incompatible with the neutral humanitarian approach taken by the ICRC. He stated: “There is no solution. We will get no further than we did in April 1958”. He recommended treating communist countries exactly like other countries and seeking to build their trust through work in the field. Rodolfo Olgiati concurred and noted that it was crucial for the ICRC to maintain its independence and impartiality, “especially in dealings with representatives of socialist countries. Although they will never believe these two principles, the ICRC must refrain from giving them any reason doubt them. And in dealings with people from ‘socialist’ countries in particular, the ICRC must be persistent and creative, take the initiative and be very patient in regard to how these people react or fail to react”. The Committee concluded its April 1966 discussion by adhering to the line followed since 1958 and deciding to expand its efforts to spread awareness of IHL and of the ICRC in socialist countries.

292 A former banker from Geneva, Gauthier founded the Swiss Committee Against Torture in 1977 and actively promoted what would become, in 1987 (after his death in 1986), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In 1976, the ICRC publicly supported Gauthier’s initiative to create an international convention that would establish a system of unannounced visits to detention centres.
295 See minutes of the 1 May 1958 Assembly meeting, in particular the point “Tour d’horizon des activités du CICR dans les pays de l’Est”, which concludes with the decision to “intensify, by all means available, contacts and exchanges first with National Societies, then with socialist governments, by holding visits and arranging suitable field assignments, and inviting representatives of these National Societies for extended stays in Geneva. Indeed, nothing can replace personal contact. The Committee will make every effort, particularly in Hungary, to make progress toward solving the problem of protecting security detainees.”
296 On 6 January 1966 (A PVA Pl 29 (1966)) and 6 April 1966. In the first meeting, the Assembly examined notes by Melchior Borsinger, delegate-general for Europe, and René-Jean Wilhelm on legal issues (SP 542, dated 24 January 1966). In the second, the discussion was based on notes by Jean Pictet, (“Rapports avec les pays marxistes”, SP 555) and ICRC member Rodolfo Olgiati (SP 557).
RELATIONS WITH SWITZERLAND

Although the Committee focused some attention on dialoguing (and dealing) with socialist countries, it devoted many sessions to Switzerland. Discussions on funding often turned to Switzerland, yet it was the country’s decision on whether or not to join the United Nations that caused the largest ripples. Indeed, it triggered an in-depth analysis of the ICRC’s relationship with Switzerland. The dilemma was neatly encapsulated in one of Jean Pictet’s notes in preparation for an Assembly meeting in 1966: “The links between the ICRC and Switzerland are too close, too fundamental, to not be affected by our country’s position internationally and anything that could affect its neutrality.”

The Committee returned to the topic at the end of 1973, after the Swiss Federal Council appointed a consultative commission to analyse the question of Swiss membership in the UN. The issue came up again in January, September, November and December 1974 and in July 1975, and each time Committee members made written statements. Their conclusions were decidedly ambivalent. The issue was clearly one for the Swiss government, but the ICRC did not conceal its discomfort: “Switzerland joining the UN is a question for the government to decide. The ICRC is not called upon to take a position, but it feels that the country’s neutrality – the foundation and prerequisite of its humanitarian work – must be preserved. It also believes it necessary for the Swiss government to maintain, in international affairs in general, the discretion that the government has always considered an outgrowth of its neutrality.”

In a letter to State Councillor Eduard Zellweger, the chairman of the consultative commission, on 30 April 1975, the ICRC president acknowledged that it was not the ICRC’s role to “take an official position on the matter of Switzerland joining the UN”, this being a decision for the Swiss government and the Swiss people. In a memo accompanying the letter, the ICRC nevertheless encouraged the government to be cautious: “[I]t is important to remember that the ICRC’s work derives largely from Switzerland’s neutrality in regard to wars, civil wars and internal disturbances and is aimed at protecting all victims on all fronts, without discrimination of any kind. For the warring parties, this neutrality represents an added assurance of the ICRC’s independence and impartiality. The organization is accepted on the parties’ territory because its members are citizens of a country that has been at peace and neutral for centuries, in accordance with the will of its people. This condition – respect for the right of neutrality and a policy of neutrality – must be met for the ICRC to be able to carry out the mission given to it by the international community.”

RELATIONS WITH THE UNITED NATIONS

The ICRC’s close ties to Switzerland were also reflected in the organization’s own relationship with the UN. When the General Assembly passed Resolution 2062 (XX) in 1965, creating the position of High Commissioner for Human Rights, the ICRC feared its territory would be encroached upon. ICRC President Gonard raised this issue with Secretary-General U Thant in a meeting in New York on 11 February 1966 and reiterated the ICRC’s position in a letter and memo sent to him on 6 May. The ICRC followed the issue closely as it slowly made headway at the UN, but remained focused on the legal and diplomatic work being done in the area of IHL; this was an important topic for the UN as well, following the Human Rights Conference that it organized in Tehran in 1968.

In 1967, the ICRC did not see a reason to send a permanent delegate to UN headquarters in New York, since “the ICRC is informed of what is said at the UN assemblies by the Swiss observer in New York.”

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298 Four members of the ICRC, being civil servants, took part: Denise Bindschedler-Robert, Pierre Micheli, Harald Huber and Victor Umbricht. They made it clear that they did not represent the ICRC in meetings of this commission, a point the ICRC took care to repeat in its communiqué to the commission’s chairman on 30 April 1975.
300 Letter from Eric Martin to Eduard Zellweger, chairman of the Advisory Committee on the Entry of Switzerland into the United Nations, dated 30 April 1975.
The ICRC had also enjoyed observer status in the UN Economic and Social Council (ECOSOC) since 1948. But when ECOSOC updated its list of observers in 1968, the ICRC hesitated before confirming its interest in maintaining this status (rather than seeking a higher status). Despite being merely an observer, the ICRC nevertheless maintained regular and close contacts with the secretary-general and his staff when it came to the development of IHL and operational concerns (such as in the Middle East, Bangladesh, Pakistan, India and Cyprus).

In 1970, the ICRC created the position of “delegate to international organizations” and hired Dominique Micheli from the World Council of Churches to fill it. Although the position grew in importance with time, the ICRC had not yet established a permanent presence in New York during the period under study. When Micheli reported on his work at a July 1974 Assembly meeting, the Committee was pleased to learn of the extent of ICRC-UN communications.

Lastly, from 1971 to 1975, the IRRC regularly published resolutions passed by the UN General Assembly on topics of interest to the ICRC. These included “Respect for human rights in armed conflicts”, “Assistance and co-operation in accounting for persons who are missing or dead in armed conflicts” and “Napalm and other incendiary weapons and all aspects of their possible use”.

CONTACTS WITH HUMAN RIGHTS ORGANIZATIONS

The ICRC had always been keenly interested in the relationship between IHL and human rights law, and for this reason was in regular contact with a large number of both regional and global human rights organizations. Some 30 pieces appeared in the IRRC between 1966 and 1975, not counting the UN resolutions it also published. These pieces – articles, conference reports and book reviews – touched on issues such as irregular combatants, non-international armed conflict and security detainees.

The ICRC, through its delegate to international organizations, kept up a dialogue with human rights organizations with a liaison office in New York, particularly the International Commission of Jurists (ICJ) and Amnesty International. ICRC jurists Jean Pictet, Claude Pilloud and René-Jean Wilhelm were in regular contact with Sean McBride, secretary-general of the ICJ and the main force behind the UN resolution “Human Rights in Armed Conflicts” in Tehran. In 1974, the Assembly heard a report from Jacques Moreillon on these two organizations and supported continuing the dialogue, yet decided “not to formalize the relationship between the ICRC and these organizations, but rather to continue contacts at the individual level and discreetly coordinate our efforts, circumstances permitting”.

Although the ICRC worked to establish firm policy positions during this period, in the field it remained flexible and willing to take on any challenge that arose. The document cited at the very start of this chapter is telling in this regard. In it, the ICRC also noted that the organization “only deals with those who cannot fend for themselves and whose personal well-being – rather than legal or historical status – is in jeopardy”. This readiness to step in wherever needed is also apparent in the following lines from the same document, which describe the ICRC as a “unique organization that does not fit into any existing category. While some of its activities are carried out under programmes of varying length and with the necessary intellectual and material resources, others are driven by unforeseeable circumstances and are impossible to plan. (…) As rigid as the ICRC must be in its thinking and its principles, it must also be flexible in its readiness to take action”.

303 The Assembly held a debate in August 1969 based on a memo by Roger Gallopin (“Les relations du CICR avec l’ONU”, dated 23 June 1969), during which it expressed a desire to strengthen ties with the UN and its specialized agencies: UNHCR, WHO, ILO and FAO.


305 Minutes of the 28 October 1974 Assembly meeting – A PVA Pl 36 (June 1973–December 1974). Moreillon’s informational memo is annexed to the minutes.
Delegates in the field also had a decisive impact on the organization’s thinking. A round-table discussion held in Geneva from 17 to 21 September 1968 was attended by around 30 delegates and 15 managers from headquarters (most of whom also had field experience). This gathering, the first of its kind, addressed most of the key issues of the time: the ICRC’s role in situations of civil war and internal disturbances, the humanitarian obligations of guerrilla movements, the ICRC’s relationship with National Societies, information and communications, the use (and abuse) of the emblem, hiring and training delegates, the structure of delegations, the dynamic between headquarters and the field, and so forth. The delegates’ concerns and recommendations were then analysed by a review committee that included President Naville and was chaired by Denise Bindschedler-Robert, a Committee member. The round-table discussion between those working at headquarters and in the field and the formation of the review committee show that the need for a regular dialogue between decision-makers and operational staff had already been recognized. Drawing on the insight and experience of the delegates attending the round table – some of whom would one day assume prominent roles within the organization – the ICRC was able to identify ways to improve the consistency of its approach by comparing recent and ongoing operations (including in Biafra, Viet Nam and the Middle East).

THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

This chapter provides an overview of the issues addressed at statutory meetings – the International Conferences and Councils of Delegates – and the debate surrounding the division of responsibilities between the ICRC and the League of Red Cross Societies (now the International Federation of Red Cross and Red Crescent Societies). We also summarize two key issues that arose during this period: reassessing the role of the Red Cross, and the Red Cross’s contribution to peace.

THE MOVEMENT: STRUCTURAL CHANGES AND STATUTORY MEETINGS

Numerous countries gained their independence in the 1960s and 1970s, often giving rise to new National Societies. At the same time, some existing National Societies came into their own and began to fully participate in the Movement. Between 1966 and 1975, the ICRC recognized the following National Societies, which thereby became members of both the Movement (they also joined the League of Red Cross Societies):

- Kenya: National Society created on 21 December 1965, recognized on 3 November 1966
- Zambia: 22 April 1966, 8 December 1966
- Mali: 20 August 1965, 14 September 1967
- Kuwait: 10 January 1966, 6 June 1968
- Guyana: September 1948, 8 August 1968
- Somalia: 27 April 1963, 3 July 1969
- Botswana: 1 March 1968, 5 February 1970
- Bahrain: 28 January 1970, 14 September 1972
- Fiji: 1 January 1952, 20 September 1973
- Mauritania: 22 December 1970, 6 June 1973
- Singapore: 30 September 1949, 20 September 1973

No new National Societies were recognized in 1975. At the end of 1975, the Movement was composed of 122 National Societies (out of 135 countries that had ratified the Geneva Conventions at that point).

José Barroso, president of the Mexican Red Cross, was elected president of the League of Red Cross Societies in 1965 by the Board of Governors (now called the General Assembly) and continued to be re-elected until he stepped down in 1976. Henrik Beer, from Sweden, was the League’s secretary-general from 1960 to 1981.

The Standing Commission of the Red Cross and Red Crescent liaised with both the ICRC and the League to plan the International Conferences. The National Societies of the United States and the USSR had

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307 At the time, the Movement was referred to as the “International Red Cross”.
308 Became the International Federation of Red Cross and Red Crescent Societies in 1991.
permanent seats on this commission, in line with Cold War exigencies.\footnote{The Standing Commission for the period 1965-1969 was elected at the 20th International Conference (Vienna, 1965) and was composed of: Angela Olivia, Countess of Limerick (chair, United Kingdom), James Collins (United States), Hans von Lauda (Austria), Georgy Miteyev (USSR) and Geoffrey Newman-Morris (Australia). At the 21st International Conference (Istanbul, 1969), the following members were elected: Angela Olivia, Countess of Limerick (re-elected chair, United Kingdom), James Collins (United States), Ahmed Djebli-Elaydouni (Morocco), Georgy Miteyev (USSR) and Geoffrey Newman-Morris (Australia). And at the 22nd International Conference (Tehran, 1973): Geoffrey Newman-Morris (chair, Australia), George Aitken (United States), Farid Issa-el-Khoury (Lebanon), Sir Evelyn Schuckburg (United Kingdom) and Nadezhda Troyan (USSR). The ICRC and the League are represented on the Standing Commission by two ex officio members – including the president – from each organization.} The debate within the Movement over the Red Cross’s contribution to peace (discussed below) was polarized by this enmity. It was also the Standing Commission that initiated what would become known as the Tansley Report.

The proceedings and outcome of the 20th International Conference (Vienna, 1965) largely shaped the ICRC’s legal efforts between 1966 and 1975. In addition to formally approving the Fundamental Principles, the Conference set in motion the further development of IHL and instructed the Movement’s components to reflect upon the Red Cross’s role in promoting peace.

The 21st International Conference (Istanbul, 6–13 September 1969) was attended by 77 governments, 84 National Societies and 51 observers and, in its Resolution XIII, officially launched the project of reaffirming and developing IHL. The Conference reiterated the need to protect those engaged in civil defence (Resolution XV) and, more broadly, both medical and nursing personnel (Resolution XVI). As to the armed conflict in the Middle East, the Conference felt the Geneva Conventions applied in full and called on the parties to the conflict to comply with them (Resolution X on implementation of the Fourth Convention, and Resolution XI on the protection of prisoners of war). It also adopted several resolutions on disaster relief (including Resolution XXIV, “Principles and Rules for Red Cross Disaster Relief”), and Resolution XX, “The Red Cross as a Factor in World Peace”.

The 22nd International Conference (Tehran, 8–15 November 1973) was attended by 78 governments, 98 National Societies and 20 observers. It expressed its support for the draft version of the Additional Protocols, which the ICRC had prepared for the Diplomatic Conference (Resolution XIII) and called for international action to prohibit or restrict the use of certain weapons (Resolution XIV). It again exhorted the warring parties in the Middle East to comply with the Geneva Conventions (Resolution III) and called for the elimination of all forms of racial discrimination (Resolution X).

The Henry Dunant Medal was awarded for the first time at the 22nd International Conference in Istanbul in 1969. The Australian Red Cross had come up with the idea for this award, which, after being approved in principle at the Red Cross Centenary (held in Geneva in September 1963), was finally made official at the 20th International Conference in Vienna 1965 in Resolution XII. The Standing Commission selected the recipients, and a ceremony was held as a side event to the Council of Delegates.

Until 1961, the role of the Council of Delegates\footnote{This Movement body – in which only Movement components (ICRC, the League/Federation and National Societies), and not States, are represented – originated in 1884, just before the 2nd International Conference. It was originally called the “Special Commission of Delegates” and was renamed the Council of Delegates in 1928 in the first Statutes of the International Red Cross.} was limited to preparing for the following International Conference.\footnote{The ICRC was the first to recognize the importance of these meetings, as evidenced by a long statement from Jean Pictet in the Assembly: “He [Pictet] noted in particular how important it is for the Council of Delegates to meet in parallel to the Board of Governors, without which the ICRC would be reduced to playing a secondary role within the International Red Cross. Indeed, without a Council of Delegates, the League and the National Societies would surely raise issues in the Board of Governors that essentially concern the ICRC, which would be present only as an observer. Maintaining the Council of Delegates is thus a necessity for the ICRC, and one could even imagine it becoming a body in its own right. This trend goes hand in hand with another, that of putting fundamental questions on the agenda for the Council of Delegates’ meetings every four years during the International Conference of the Red Cross. It is indeed the only setting in which the Red Cross can discuss its own issues that have nothing to do with governments.” – Minutes of the 5 October 1967 Assembly meeting – A PVA PI 30 (1967).} But in 1963 – when it met alongside the Red Cross Centenary Congress – it began discussing issues of shared interest within the Movement.\footnote{See a brief summary in IIRC, Vol. 7, No. 80, November 1967, pp. 596-601.} This remained the case at the five sessions held during the period under study:

- On 6 September 1967 at The Hague (where the League’s Board of Governors was also meeting), the Council was chaired by ICRC President Gonard and was given a report by the ICRC on its work in the Middle East, among other places. The Council also heard a brief summary of the round-ta-
ble “The Red Cross as a Factor in World Peace” held on 28 August (also in The Hague) and adopted a resolution on that theme – one that the Movement would discuss for several years to come.

- On 6 September 1969 in Istanbul, the Council was chaired by ICRC President Marcel Naville. Apart from procedural issues concerning the International Conference, only one topic was discussed: the Henry Dunant Institute. This institute, which had been created in 1965 by the Swiss Red Cross, the ICRC and the League, delivered its first annual report to the Movement.

- On 8 October 1971, the Council met in Mexico City alongside the League’s Board of Governors meeting. It was chaired by ICRC Vice-President Jean Pictet, as President Naville was sick. Sixty National Societies attended. The ICRC used this meeting to inform the National Societies of the outcome of the first Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (24 May to 12 June 1971) and to solicit their support. The Council recommended that a joint relief operational plan be developed between the ICRC and the League, taking into consideration the material support of the National Societies (Resolution III). This recommendation was driven in part by the ICRC/League Agreement (updated in 1969) and by the relief operations in Jordan involving several National Societies, the League and the ICRC.

- On 7 November 1973, the Council met in Tehran and was chaired by ICRC President Eric Martin. Themes covered included the Henry Dunant Institute, the Movement’s efforts to combat racism and racial discrimination, and approval of National Societies’ statutes (although it was the International Conference held shortly thereafter that, in its Resolution VI, that made the important decision to require the National Societies to submit draft amendments to their statutes to the ICRC and the League).

- On 24–25 October 1975, the Council met in Geneva under the chairmanship of ICRC President Martin. The Council acknowledged the outcome and action programme of the first World Red Cross Conference on Peace (Belgrade, 11–13 June 1975), which it decided to analyse in more detail (Resolution II, “Action to be taken on the World Red Cross Conference on Peace”). In addition, the Council approved the report of the Joint Committee on the Reappraisal of the Role of the Red Cross (the Tansley Report) in its Resolution III.

### REASSESSING THE ROLE OF THE RED CROSS

The Tansley Report – initially referred to as the Cannes Study and then the Big Study – was a key milestone in the history of the Movement. The Standing Commission, meeting on 22 April 1970 in Cannes, felt the time was right for a “reappraisal of the role of the International Red Cross in the light of present conditions”. It asked the ICRC and the League to team up on such a study. A joint committee was formed and Donald Tansley was assigned to direct the study. Tansley, a former vice-president of the Canadian International Development Agency, assumed his duties on 1 February 1973.

When it was first discussed in the Assembly, in May 1970, President Naville gave the reasons for this exercise, referring to an outline prepared by Lady Limerick, the chair of the Standing Commission. He cited the need to review the role of the Movement’s different components given the evolving nature of conflicts (e.g. wars of national liberation, large numbers of civilian victims, and displaced people and refugees), changes in how the components of the Movement carried out their mandates, the lack of independence of some National Societies, and competition with other humanitarian actors (e.g. non-governmental relief organizations and the UN). The study was begun shortly after the revised ICRC/League agreement took effect; the original agreement was signed in 1951, and the revised version was signed on 24 April 1969 and ratified on 3 September.

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315 Later, the creation of the Joint ICRC/League commission for National Society statutes was confirmed at the 24th International Conference (Manila, 1981) to follow through with the Tehran resolution.
316 See a brief summary in IRRC, Vol. 15, No. 177, December 1975, pp. 626-638.
The ICRC agreed to the study, took it seriously and shared in the cost. Even before work formally began, the ICRC put together a consultation within the Movement. These meetings, which took place from 5 to 7 April 1972 in Montreux, brought together ICRC members and managers, members of the Standing Commission and the chairman and vice-chairmen of the League’s Board of Governors. Topics of discussion included a reassessment of the role of the Red Cross, the coordination of relief efforts, and relations with governments and non-governmental organizations.

Tansley and his team conducted a large number of interviews, both inside and outside the Movement. The team went to 45 countries and sent questionnaires to 138 governments and many international organizations. On the country visits, the team spoke with 23 National Societies along with ICRC and League delegations, focusing in particular on South-East Asia/Indochina, the Sahel, Ethiopia, Cyprus and Japan (following a recent earthquake). The team prepared background papers on the following six topics: The Evolution of the Red Cross; Present Role of Red Cross in Protection; Present Role of Red Cross in Assistance; National Red Cross Societies and Health and Welfare; Red Cross at National Level: A Profile; and As Others See Us: Views on Red Cross. The final report of the Joint Committee on the Reappraisal of the Role of the Red Cross, which was entitled An Agenda for the Red Cross, was submitted to the Council of Delegates in October 1975. The Council, in its Resolution III, instructed the ICRC and the League to review the report’s recommendations as a way of helping “improve the functions of the International Red Cross Movement”.

The report criticized the Movement as a whole for a lack of clarity in defining its objectives and its mission (i.e. the absence of a fundamental role shared by all components), insufficient internal cohesion and inappropriate managing bodies, a poor understanding of the fundamental principles, insufficient support for the weakest National Societies and a lack of professionalism. The report also had specific remarks for each Movement component. The ICRC was criticized for shortcomings in its communications (confusing discretion with an unnecessary obsession with secrecy), for failing to explain its policy decisions, for providing too little support for the National Societies and for depending on too few governments for its funding.

The study team drew on its observations to propose the following fundamental role for all the components of the Movement: the “provision of emergency help, on an unconditional and impartial basis, wherever and whenever human needs for protection and assistance exist because of a natural disaster or conflict”. The report also contains a number of recommendations for individual components and the Movement as a whole. The ICRC was encouraged to do a better job of explaining its work, expand the pool of candidates for staffing the Committee in order to bring in other viewpoints, and hire non-Swiss employees.

The Tansley Report had only a limited impact. The National Societies in particular did not welcome the “fundamental role”, which they felt downplayed their work in the areas of health and welfare. The report was translated into several languages but did not play a significant role in National Societies’ strategy decisions. The ICRC, for its part, set up an internal group to carefully review the report. It then teamed up with the League to formulate a response, which was printed in instalments in the IRRC and then published as a stand-alone document in 1979. The findings of the Tansley Report did, however,
encourage the ICRC to pursue some initiatives it was already considering, such as increasing support for the development of National Societies and bolstering its communication and awareness-raising efforts (for example, the Red Cross Red Crescent magazine was created in the wake of the Tansley Report). Certain aspects of the report also made their way into the ICRC’s strategy at the start of the 1980s.

ICRC/LEAGUE AGREEMENT

On 8 December 1951, the ICRC and the League signed an agreement on coordinating their international activities. Yet in the aftermath of various operations, including the Congo in the early 1960s, the ICRC decided that changes were needed. The Council of Delegates, meeting at The Hague in 1967, also asked the ICRC and the League to revise the agreement. The two entities first met to discuss this on 17 November 1967, and the ICRC approved an initial draft on 25 July 1968. Discussions continued and divergent views were aired, with some citing the Nigeria-Biafra War as an example of the ICRC’s inability to run a large-scale relief operation on its own. Some National Societies argued in favour of a greater role for the League, alongside the ICRC, in coordinating the efforts of the National Societies, including in conflict situations. The climate surrounding the talks was tense. The Assembly and the Presidential Council also discussed the topic on several occasions. They sought a way for the ICRC to maintain overall control in conflict situations while giving the League the lead on coordinating the assistance for civilians provided by National Societies. 325

A provisional protocol was signed on 23 December 1968. It aimed to improve information-sharing and created a coordinating body that would determine whether a relief effort would be run by one of the two organizations or by both, jointly. On 25 April 1969, a broader agreement was finally reached, 326 and it provided detailed guidelines for relief operations run by the National Societies for civilians. Article 2 of the first section of the agreement addressed assistance in situations of armed conflict. It reaffirmed the ICRC’s role under its Statutes and the Geneva Conventions, but required the organization to work with the League in defining how joint relief efforts would be carried out when National Societies requested it. The main achievement of the 1969 agreement was creating a consultation body that would determine how international relief operations would be coordinated.

During the Nigeria-Biafra War, the National Societies and the League expressed a desire to join relief actions in situations of armed conflict. This desire grew stronger in September 1970 with the civil war in Jordan. When the fighting first broke out, the League held a meeting in Geneva, where it asked the ICRC to commit to an immediate joint response. The ICRC agreed and put Kai Warras, secretary-general of the Finnish Red Cross, in charge. It was a short operation that – as far as Movement coordination was concerned – was considered a success by all. This led the National Societies to turn up the pressure on the ICRC for more involvement. 327 Resolution III of the Council of Delegates held in October 1971 in Mexico City “recommends the preparation of a joint relief operational plan between the ICRC and the League taking also into consideration the resources of the National Societies in personnel, material equipment and funds”. Yet the limits of coordination were revealed by the situation in Bangladesh, also in 1971. A large-scale relief operation was ramping up in that country following the outbreak of its war of independence against Pakistan. The ICRC’s involvement was justified by the conflict situation, while the League was already working there because of flooding in the region. This time, the ICRC and the League struggled to coordinate the joint operation. The resulting criticism strengthened calls for a

325 Particularly noteworthy is a long debate on the subject based on a background note (“Projet pour une base de discussion avec la Ligue”, SP 675bis) held in August 1968, during which the ICRC resolved to avoid being put on the same level as the League. This would make the ICRC dependent on the National Society of the country where it was engaged in work that it was mandated to do under the Geneva Conventions. See minutes of the 8 August 1968 Assembly meeting – A PV A Pi 31 (1968).

326 Agreement between the International Committee of the Red Cross and the League of Red Cross Societies for the Purpose of Specifying Certain of Their Respective Functions, signed on 25 April 1969. This accord covers legal assistance for foreigners, the training of medical personnel, the protection of civilian populations against certain effects of war, the Red Cross as a factor in world peace and the recognition of newly-formed National Societies, among other things.

327 The National Societies and the League were themselves under a certain amount of pressure over coordination of relief during disasters. The UN General Assembly issued a resolution on 14 December 1971 creating a “Disaster Relief Co-ordinator” whose duties included “[to co-ordinate United Nations assistance with assistance given by intergovernmental and non-governmental organizations, in particular by the International Red Cross.” The League felt its independence was under threat.
FROM SAIGON TO HO CHI MINH CITY - THE ICRC’S WORK AND TRANSFORMATION FROM 1966 TO 1975

reassessment of the role of the Red Cross and a restructuring of the Movement – calls that eventually led to the Tansley Report.

Just as the consultations preceding the Tansley Report were getting under way in April 1970, the Norwegian Red Cross asked for yet more changes to the ICRC/League Agreement. The ICRC agreed to restart the revision process, although it was not particularly keen to modify a document that had just been signed in 1969 and that remained largely valid. But it, too, saw a need to improve the coordination of its relief efforts with those of the League. ICRC Secretary-General Jean-Louis Le Fort put together a League-ICRC joint relief operational plan (dated 21 March 1972) that recommended clarifying each component’s role. The Presidential Council approved the plan in June 1972 and re-created a relief-operations management position within the senior management. While rejecting the idea of combining the ICRC and League’s relief services, it accepted the League’s suggestion (which the League would go back on in April 1973) of setting up a joint technical bureau for relief.

While discussions continued in Geneva on a revised draft of the agreement, the Movement launched a new relief action in Indochina. The ICRC, the League and several National Societies, reacting to an announced ceasefire in Viet Nam, created the Indochina Operational Group (IOG) in 1972. The IOG, which was led by Olof Stroh, secretary-general of the Swedish Red Cross, was responsible for preparing and implementing the relief plans. The IOG closely patterned its work after the coordinating body set up under the 1969 agreement.

The ICRC/League’s writing group submitted a new document to the two organizations in April 1973 entitled “International relief operations – Commitment of Red Cross resources” (also known as the Interpretative Agreement). The League’s Board of Governors approved it in November 1973, just before the Council of Delegates in Tehran. After insisting that the National Societies – not just the ICRC and the League – share in the commitment, the ICRC approved the agreement on 7 November 1974. The ICRC and the League signed the document on 18 December 1974, after which it was sent to the National Societies. It is a lengthy text, with a two-page introduction and 22 paragraphs divided into five sections: General remarks, Co-ordinating body, Practical measures for co-ordination, Training of personnel and General rules. The section on the coordinating body was based on the 1969 agreement but strengthened that body’s authority and accelerated the decision-making process, in part by incorporating higher profile members (i.e. the ICRC’s president and the League’s secretary-general). The Interpretative Agreement also emphasized the need for the components of the Movement to be flexible in their co-operative efforts, which ranged from coordinating their respective activities to integrating relief teams in an operation. And it recognized the ICRC’s exclusive authority in carrying out its mandate set forth in the Geneva Conventions (i.e. visits to prisoners of war and the services of the Central Tracing Agency).

THE RED CROSS’S CONTRIBUTION TO PEACE

The Council of Delegates in Prague (1961) engaged in a long discussion on the question of peace. The discussion was initiated by the Alliance of Red Cross and Red Crescent Societies of the USSR, which proposed including an appeal for disarmament and a ban on nuclear weapons in the Fundamental Principles. This led to the inclusion of a negotiated phrase in the principle of humanity: “It [the Movement] promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples”. Participants at the 20th International Conference (Vienna, 1965), where the Fundamental Principles were announced, decided that the Principles would be read aloud at the start of each International Conference. That same Conference produced Resolution X (“The Red Cross as a Factor in World Peace”), which, while carefully mentioning “nuclear weapon tests” and calling for efforts at disarmament, encouraged the ICRC “to undertake, in constant liaison with the United Nations and within the framework of its humanitarian mission, every effort likely to contribute to the prevention or settlement of possible armed conflicts”.

329 For its part, the League’s Board of Governors adopted a new motto, Per humanitatem ad pacem (“with humanity, towards peace”), which was added to the ICRC’s motto, Inter arma caritas.
conflicts, and to be associated, in agreement with the States concerned, with any appropriate measures to this end.”

The ICRC contributed to the discussion when Jean Pictet chaired a round table meeting at The Hague, held on 28 August 1967, that brought together representatives of a large number of National Societies. Several days later, it presented a report, “The Red Cross as a factor in world peace”, at the Council of Delegates. The round table participants discussed several ways of promoting peace, including through education, cooperation with other peace-promoting organizations and spreading awareness of the Principles. It also discussed an idea submitted by President Bargatzky of the National Society of the Federal Republic of Germany, that the ICRC should organize meetings between representatives of the National Societies of States engaged in an armed conflict or caught up in a situation that threatened the peace. A second round table was held in Geneva from 21 to 23 January 1969. At the 21st International Conference (Istanbul, 1969), two resolutions concerning peace were adopted. The first, Resolution XX, was a general text that included various aspects of previous statements. The second, Resolution XXI, followed the general thrust of the Bargatzky proposal (although it appears never to have been implemented).

The League’s Board of Governors surprised the ICRC by deciding, at its meeting in Tehran in 1973, to put together a global conference on peace (Resolution XXXVII), which the Yugoslav Red Cross was charged with organizing. Roger Gallopin, the president of the Executive Council, sent a letter in June 1974 to the secretary-general of the League, Henrik Beer, reiterating the ICRC’s interest in the topic and expressing the organization’s readiness to join in the preparatory work for the conference, which was to be held in Belgrade. The ICRC recognized the political risks inherent in such a conference; indeed, a number of the final document’s suggestions – attributable mainly to the conference organizer – were problematic, including the idea of the Movement working with the UN in situations of armed aggression and an insistence that the Red Cross take a stance against “wars of aggression”.

The World Red Cross Conference on Peace (Belgrade, 11–13 June 1975, was attended by delegates of 81 National Societies, including seven new ones, as well as by the League and the ICRC. Politically charged and largely incoherent, the conference adopted an action programme, which was not debated and which was simply acknowledged with a mention that it would require further analysis. In October 1975, the Council of Delegates considered the next steps to be taken in its Resolution II, but it was not until the 1977 Council of Delegates meeting in Bucharest that a real action plan would be approved (through the interpretations of the Belgrade programme) and the Commission on the Red Cross and Peace set up.

At the Belgrade conference, the ICRC presented its position on the Red Cross’s contribution to peace – or more specifically to a climate of peace – in the form of two documents (on relief and IHL activities). In the ICRC’s view, by providing impartial assistance to victims of a conflict and rigorously applying humanitarian principles, it was helping set the stage for reconciliation once hostilities ended. It suggested teaching young people about humanitarian principles and IHL, including through regional gatherings that would foster discussions and a shared understanding that transcended borders. It also

330 This part of the resolution was directly related to the ICRC’s ready availability during the recent Cuban missile crisis. For more on the ICRC’s role in the crisis, see: T. Fischer, “The ICRC and the 1962 Cuban missile crisis”, IRRC, Vol. 83, No. 842, June 2001, pp. 287-309.
331 Initially scheduled for September 1968, it was put off owing to the USSR-led invasion of Czechoslovakia in August and the ongoing conflicts in Nigeria/Biafra, the Middle East and Viet Nam. Jean Pictet remarked in the Presidential Council that it seemed “somewhat laughable to discuss a purely academic agenda, when the political events in recent months have made it clear the Red Cross had no influence when it came to peace” – Minutes of the 22 August 1968 meeting – A PV C1 Pl 16 (1968).
332 Letter dated 25 June 1974, with an attached report, “Le CICR et la Conférence sur la Croix-Rouge et la paix” (no author listed, but likely René-Jean Wilhelm, who was in charge of this issue for the ICRC). These two documents comprised the preparatory material for the 3–4 September 1974 Assembly meeting – A PVA Pl 36 (1973-1974).
333 A second World Red Cross Conference on Peace was held in 1984 in Aaland, Sweden. Discussions on this subject ended in 1995 when the Council of Delegates did not renew the Commission’s mandate when it expired.
334 These two documents were also published in IRRC, Vol. 15, No. 173, August 1975: “The alleviation of war victims’ suffering – a Red Cross contribution to the promotion of peace”, pp. 381-390 and “The Red Cross contribution to the application and development of international humanitarian law as a factor for strengthening the foundations of peace”, pp. 391-397. Taken together, these documents accurately sum up the ICRC’s position on the subject.
came up with the idea of developing educational resources on IHL for secondary school teachers and called on the National Societies to throw their weight behind ongoing efforts to reaffirm and develop IHL (the second session of the Diplomatic Conference had just ended). Its written statement ended with these words: “Only too often do wars leave behind, not only ruin and devastation, but also an accumulation of hatred and resentment, the germs of future conflicts. The correct application of the Conventions, by reducing suffering, by allowing the enemy to aid his wounded or captive adversary, is bound to facilitate and hasten the restoration of a climate of peace between the antagonists, once the guns have been silenced.”

HENRY DUNANT INSTITUTE

The Henry Dunant Institute was founded and co-financed by the ICRC, the League and the Swiss Red Cross, whose president, Albert von Albertini, was behind the initiative. The institute was created as an association in Geneva on 5 November 1965 and was neither a component nor member of the Movement. It was located on Rue Varembé for several years before moving to the Villa Mon Repos, which the city of Geneva made available in 1969. Its first director was Pierre Boissier, seconded from the ICRC, who served until his premature death; the post remained vacant for several months until Jean Pictet stepped in on 15 September 1975. The Institute was designed to provide its founding members – and later all the National Societies – with study, research and training services in all areas in which Movement components were active. Topics of interest included spreading awareness of the Fundamental Principles, the history of the Movement, the development of IHL, and volunteer work. It also organized courses and seminars and published both short studies and full-length books. During the period covered by this study, the International Committee was systematically apprised of the Institute’s work, which it fully supported.336

336 The institute was closed in 2003 owing to a lack of financial support and clear objectives. The Henry Dunant Centre for Humanitarian Dialogue, despite its similar name, has a different status and purpose.
CONCLUSIONS

Twenty years after the end of the Second World War, the International Committee of the Red Cross was still tending to the humanitarian needs generated by that conflict, with a particular focus on Germany, Japan and North Korea. The organization was nevertheless able to change with the times, while maintaining its universalist approach in the face of new challenges. Indeed, it ran up against both operational and political obstacles on various battlefields. It rose to the challenge each time by learning more about the people it served and the places it worked, and by expanding its network of contacts at all levels.

The ICRC’s action in Viet Nam, which lasted throughout the period under study here, was mostly one-sided. Its experience in that conflict drove the organization’s initiative to make improvements to IHL starting in 1965, with an initial focus on the conduct of hostilities and recognition of a status similar to that of prisoners of war for “illegal” combatants captured while bearing weapons.

In South-East Asia, the ICRC witnessed serious abuses committed against civilians during Bangladesh’s war of independence in 1971, and it took action on behalf of tens of thousands of Pakistani prisoners of war held by India. It also engaged in a difficult dialogue with India on applying the Third Geneva Convention, which ended when all prisoners were finally released and repatriated in 1974.

At around the same time in the Middle East, the ICRC stepped in when war broke out between Israel and its Arab neighbours in 1967 and again when intense fighting erupted in October 1973. Attempting to ensure all parties to this conflict complied with the Third Convention was challenge enough, but the ICRC was also particularly dogged in encouraging Israel to apply the Fourth Convention.

In the Nigeria-Biafra War, where the ICRC was active from 1967 to 1970, the organization witnessed extremely violent clashes combined with an uncompromising attitude among the warring parties. The impact on civilians was devastating. When the Nigerian government complicated and then blocked the ICRC’s efforts, the organization was left with a deep sense of failure. Just as in Viet Nam, it had struggled to run a neutral and impartial operation, while many other humanitarian groups, including churches (in the case of the Nigeria-Biafra War), did not mind taking sides.

Also in Africa, the ICRC established close contact with liberation movements by virtue of its work on the ground and visits to prisons that held some of their leaders. The organization sought to convince these movements to apply the principles of humanitarian law and encouraged them to participate in the process of further developing this essential body of law.

In 1965, the ICRC had already been considering the changes needed in IHL to improve the “protection of civilian populations against the dangers of indiscriminate warfare”, all without undermining the validity of existing IHL. In other words, the Geneva Conventions were as relevant as ever but needed to be updated. And the ICRC’s role as the “guardian” of the Conventions was further cemented during the ensuing preparatory work and the Diplomatic Conference from 1974 to 1977. Although it was unable to secure the States’ support for all of its proposals – Protocol II in particular ended up a far cry from the organization’s initial draft – the ICRC’s expertise on the legal front, bolstered by its operational experience and sense of realism, was fully recognized.

The ICRC was intent on further developing the law and achieving recognition of its role as set forth in the Geneva Conventions, yet it did not see its mission as being limited to this area. In the 1960s and 1970s, it intensified the efforts begun years earlier on behalf of security detainees, who it felt lacked

337 “The lesson of the conflict in Nigeria is this: if both belligerents intransigently fight for a complete victory, it is impossible to humanize war” – J. Freymond, Guerres. Révolutions. Croix-Rouge. Réflexions sur le rôle du CICR (IUHEI), Geneva, 1976, p. 100.
338 The ICRC’s tenacity in flying relief items to civilians throughout Biafran territory in spite of the Federal Military Government’s refusal nonetheless affirmed its droit d’ingérence – based on Article 23 of the Fourth Geneva Convention – before that term was coined.
339 Phrase from Resolution XXVIII of the 20th International Conference (Vienna, 1965).
basic legal protection. But rather than attempting to create a new law, the ICRC simply sought to have its own practice recognized. At the same time it clarified its own policy in this area: in 1974, the ICRC decided that private meetings with security detainees were a non-negotiable requirement for visits to this category of prisoners. The ICRC also maintained informal links with human rights organizations, such as the International Commission of Jurists and Amnesty International.

ICRC Presidents Samuel Gonard and Marcel Naville sought to keep pace with a changing world and protean global politics by engaging in long and frequent travels abroad. These trips were an opportunity to expand the organization’s analysis of political forces and figures, to inform people of the ICRC and its work, and to solicit both political and financial support. The organization engaged in an ongoing dialogue with governments, especially donors like the United States, the Nordic countries, West Germany and France. But, as always, it was closest to Switzerland. The ICRC was located in that country and rooted in the same political culture, and several Committee members came from, or were close to, the Swiss government. The ICRC and the Swiss government were often in contact over questions of global politics, and Swiss diplomats (including Fritz Real, the Swiss ambassador to Lagos and then New Delhi) regularly lent a hand to the organization. Switzerland was also the ICRC's financial stalwart. The ICRC’s concern was evident when, at the end of the 1960s, Switzerland first considered joining the United Nations; while the organization did not wish to meddle in an issue that was up to the Swiss people to decide, it did not hide the fact that its own neutrality was at stake. The ICRC and the Swiss government worked side by side in organizing the Diplomatic Conference. Switzerland, as the depositary state of the Geneva Conventions, oversaw the legal and diplomatic conference and underwrote the various sessions of the Conference; the Swiss government’s jurists largely supported the ICRC; and Swiss diplomats did their best to resolve any sensitive organizational issues, including the participation of liberation movements.

Switzerland represented a dependable source of financing for the ICRC, and a fixed contribution was defined in 1972. The United States, too, switched from occasional contributions to set payments (in addition to support for ad hoc operations) around that time. Despite these two pillars of support, the ICRC still lacked regular and predictable funding. In the early 1970s, it put in place a broad and systematic fundraising policy and, in 1974, created a managerial position dedicated to the effort.

The Fundamental Principles, which were adopted at the 20th International Conference (Vienna, 1965), were a way for the “International Red Cross” to establish common policies and counter the risks of politicization inherent in its work. The Movement added 15 new National Societies to its roster in the wake of decolonization and the appearance of new States. As it haltingly achieved the universality to which it aspired, the Movement undertook a thorough reassessment of its role in the contemporary world in the Tansley Report, which was submitted to the Council of Delegates in 1975. The ramifications of the report itself may have been limited, but the exercise of preparing the report required the ICRC’s constant attention. Some National Societies used it to push for greater involvement in international operations in which the ICRC usually took the lead. Modifications to the 1951 ICRC/League agreement, in 1969 and 1974, were also a potentially perilous undertaking for the ICRC. The organization was in favour of strengthening its ties to the National Societies and supporting their efforts to inform the public of the Fundamental Principles and IHL. But, on the ground, the organization felt that its neutrality and independence could be undermined by so many joint operations.

The ICRC itself underwent extensive changes during the period under review. Three different people served as president: Samuel Gonard (1963 to 1968), Marcel Naville (July 1969 to July 1973) and Eric Martin (July 1973 to July 1976); during the first half of 1969, Vice-President Jacques Freymond served as ad interim president. The management structure was modified twice during these years: the two directors-general in 1967 (Roger Gallopin and Jean Pictet) were replaced by a secretary-general (Jean-Louis Le Fort, from 1970 to mid-1973); this position was then supplanted by a collegial, five-member body in July 1973, when the ICRC set up the Executive Council to replace the Presidential Council. The Executive Council, headed by Gallopin, became the ICRC’s true decision-making body, as the presidency (under Eric Martin) assumed a largely representative role. Yet the decisions leading to this power configuration were driven less by rationality than by personality (with Gallopin given extensive executive powers),
the proof being that this two-headed structure was abandoned when the two men left office. In 1975, with Jean-Pierre Hocké as the head of operations and Jacques Moreillon in charge of doctrine and law, the ICRC enjoyed stable management and its field operations achieved a higher level of professionalism.

The ICRC emerged from this period strengthened, notwithstanding some missteps and its shortcomings in managing several complex operations at once (Viet Nam, Nigeria/Biafra, the Middle East and Bangladesh). In addition to carrying out its work the world over, the ICRC put in place a fundraising policy, consolidated its position as the guardian of IHL, and established policy positions in several key areas: security detainees, torture, hostage-taking and peace. And for the first time, it opened permanent delegations in Africa and Latin America. This reflected a long-term commitment to these regions and an awareness of the need to understand and influence important people and organizations. This awareness also led to the creation of a division in charge of documentation and dissemination, whose brief was to educate the broader public and, most especially, to train those with the duty to respect and ensure respect for IHL.
MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.