



MSI Journal of Arts, Law and Justice (MSIJALJ)

Frequency:- Monthly Published by MSI Publishers

ISSN:- 3049-0839 (Online)

Journal Link:- <https://msipublishers.com/msijalj/>

Volume:- 2, Issue:- 3 (March-2025)

Article History

Received on :- 26-02-2025

Accepted on :- 01-03-2025

Published on :- 03-03-2025

Total Page: - 01- 05

DOI: - 10.5281/zenodo.14956835

The Role of *International Committee of Red Cross (ICRC)* in protecting and promoting the International Humanitarian Law: A Critical Review.

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Abstract: The International Committee of the Red Cross (*ICRC*) plays a crucial role in protecting and promoting International Humanitarian Law (IHL). Established in 1863, the *ICRC* is an independent, neutral, and humanitarian organization that provides aid to victims of armed conflicts and violence. Through the Geneva Conventions and Additional Protocols, the *ICRC* upholds humanitarian principles such as neutrality, impartiality, and independence while ensuring the protection of combatants, civilians, and detainees. This paper critically examines the structure, principles, and functions of the *ICRC*, emphasizing its role in conflict situations, enforcement of humanitarian law, and collaboration with international organizations. The study also highlights the challenges faced by the *ICRC* in implementing IHL and proposes ways to enhance its effectiveness in the contemporary global landscape.

Keyword: *ICRC, Humanitarian, Combatants, Civilians.*

Introduction

The often-heard term *International Red Cross* is truly a missionary, as no official organization as such subsisted at that period. As a matter of fact, the movement comprises numerous discrete organizations that are legitimately self-regulating to each other but are integrated within the movement through collective elementary ideologies, aims, signs, statutes, and leading organs.

The *ICRC* is a private humanitarian body originated in 1863 in Geneva, Switzerland which is run by the *Statutes of the International Committee of the Red Cross* and in addition, *ICRC* has been playing vital role from its inception of foundation with the observance of the 4(four) *Geneva Conventions, Optional Protocols* and other related laws in protecting and promoting the International Humanitarian Laws at the time of domestic or international armed conflicts. Its 25-member committee has an exclusive authority under Humanitarian Law to guard the life and self-esteem of the victims at the time of domestic and international armed conflicts and other situations of violence.

The *International Federation of Red Cross and Red Crescent Societies (IFRC)* was instituted in 1919 and today it harmonizes events in above 191 states in the name of *National Red Cross and Red Crescent Societies Movement*. The Federation leads and sorts out the relief assistance missions retorting to large-scale emergencies at the international level with close mutual aid of National Societies. The International Federation Secretariat is sited in Geneva, Switzerland. *National Red Cross and Red Crescent Societies* have existed typically in every country of the world. Presently 191 National Societies are documented by the *ICRC* and self-proclaimed as full members of the Federation. Each Entity works in its home country on the word of the Principles of International Humanitarian Law and the Statutes of the International Movement. Depending on their exact settings and aptitudes, National Societies can assume supplementary public-spirited errands that are not unswervingly well-defined by International Humanitarian Law or the mandates of the International Movement.

The *International Red Cross and Red Crescent Movement* is now regarded as the International Humanitarian Movement and the foremost humanitarian mission of the above-mentioned movement is to safeguard human life and health, to make certain admiration for the human being and to preclude and relieve human miseries without

any discrimination seeing nationality, race, religious beliefs, class or political opinions etc.

Structure of ICRC:

ICRC is considered an independent, neutral and non-government organization. *ICRC* was established on 17th February in 1863, and the name of the *ICRC* was "International Committee to bring relief to the wounded." Later on, in 1880 the said name was changed, and the afore-said organization was renamed as *ICRC*. Presently *ICRC* is well-known as '*ICRC and Red Crescent Movement*.'

Article 2 of the Statutes of ICRC is related to Status of *ICRC* and

It has a legal personality.

The head office of *ICRC* is located in Geneva, Switzerland as per the *Article 3 of the Statutes of ICRC*.

The main object of *ICRC* is 'Inter Aromas Caritas' pursuant to Article 4 of the Statutes of *ICRC*. The meaning of the said Latin term regarding the main purpose of *ICRC* is "to give something to helpless people in war time."

The Organs of *ICRC* are mentioned as below:

- National Red Cross Society (*NRCS*).
- *ICRC*
- League of Red Cross Society.

In some countries, the National Red Cross Society is reflected as Red Crescent society.

According to *Article 7 of the Statutes of ICRC* only Swiss Citizens may be member of *ICRC*. There are 15-25 members for 1(one) term entailing 4 (four) years. Any member may be re-elected. Membership is sustained without honorary.

Assembly is the apex organ of *ICRC* as per *Article 9 of the Statutes of ICRC*. One of the obligations of this organ is to determine the basic principles, rules and regulations for maintaining the functions of *ICRC*. The main role of *ICRC* is to supervise the functions of *ICRC*. This organ is fashioned by the members of *ICRC*, where one is President, and the other is Vice-President who is also President and Vice-President of *ICRC*.

The *Assembly Council of ICRC* is fashioned under *Article 10 of the Statutes of ICRC*. It deals with the ordinary functions of *ICRC*. The other job is to supervise the administration of *ICRC*. This is also shaped by members

of ICRC. The members of this organ are elected by the Assembly. The numbers of members are not above 7 members. The President of ICRC will also preside over the Assembly Council.

Directorate Body is formed as per Article 12 of the statutes of ICRC. All managerial functions of ICRC are maintained by the decision of Assembly, Assembly Council and the President of ICRC.

The Common Role of ICRC:

In 1973, 1974, 1977, 1982 and lastly in 2017 the statutes of ICRC were modified (Lastly the Statutes of the International Committee of Red Cross were adopted on 21 December 2017 and came into force on 1 January 2018). In keeping with Article 4 of the Statutes of ICRC the extraordinary functions of ICRC are styled as follows:

- To protect and promote the basic principles or features of ICRC which are adopted in '20th Vienna Conference' 1965.
- To give sanction to the newly established and reconstructed National Red Cross Society or other voluntary serviceable national organization.
- To carry out the activities concerned and duties as mentioned in the Geneva Conventions.
- To receive any objection for disposal pertaining to the violation of the provisions of Humanitarian Law.
- In the period of international or internal conflicts ICRC may take part in vital role with reference to the protection and proper safety of helpless combatants and civilians as an independent and neutral organization and as a mediator.
- To contribute proper security to the Information Bureau or Agencies for the continuation of the activities under Geneva Conventions.
- Apposite medical aid and co-operation may be made sure for the assistance of both parties of war by ICRC.
- To get the suitable functions done with reference to continuous development and promotion of International Humanitarian Law.
- To precede appropriate resourcefulness for effecting of the decisions embraced in the different international conference of ICRC.

Fundamental Principles of ICRC:

The crucial or fundamental principles or traits or features of ICRC which were taken on in the 20th Vienna Conference of ICRC are specified as below:

a. Humanity:

- To provide humane services to the concerned deserted people in the war period.
- To render accurate aids to pretentious individuals in the time of natural disaster.
- Proper support should be certified without any discrimination and the standard of the

consideration of cooperation is that "man is above all".

b. Impartiality and neutrality:

- ICRC is well thought-out as unbiased and not taking side's international organization.
- ICRC could not differentiate in playing role as regards the protection and promotion of human rights and humanitarian law by bearing in mind nation, religion, caste, colour and political ideology etc.

c. Independent:

- ICRC is viewed as a self-regulating and self-dependable international organization.
- ICRC is doing its functions without any internal, external, social, economic and political pressure.
- All National Red Cross Societies (NRCS) do the functions under the observation of ICRC.
- It is deliberated also as an autonomous organization.

d. Voluntary service:

- ICRC is measured as a voluntary and serviceable organization.
- ICRC is playing a vigorous starring role in connection with humane services in diverse tough sites by its volunteers.

e. Unity:

- NRCS may run its functions exclusively in the area concerned.
- NRCS may also do the deeds by taking cooperation of other NRCS without any discrimination or inequity or unfairness or favoritism.

f. Universality:

- ICRC is observed as a world-wide organization.

At present, the name and fame of ICRC is rising, and it is procuring internationality, universality and suitability by the aforesaid features of ICRC.

The role of ICRC in protection and preferment of Humanitarian Law:

In 1863 ICRC was established and the notable aim of the founding of ICRC was to confer humane services to the exaggerated or helpless people in danger period internationally. Soon after its accomplishments were lengthened, it was supposed that ICRC would play a role in the time of internal conflict. Above and beyond, it can be talked about here that the functions of ICRC have been enflamed by adopting 4 Geneva Conventions and 2 other Optional Protocols. We know that one of the main focal points of ICRC is to offer humane services to the destitute people and to uphold the humanitarian laws and in view of that the basic matters of ICRC vis-à-vis the protection and promotion of humanitarian laws are itemized below:

1. Protecting power and substitute protecting power:

- Article 8-10 of Geneva Conventions 1-3 and Article 9-11 of Geneva Conventions 4 are linked with this.
- To give right safety relating to the better interest of both parties of war by the help and sanctuary of the protecting power (ICRC).
- To protect the rights of wounded, sick persons and physicians subject to prior endorsement of related parties of the conflicts.
- Occupying states may appeal to the ICRC for rendering humane services to the affected people as a protecting power in the conflicting area.

2. Internal armed conflict and ICRC:

- Common Article-3 of 4 Geneva Conventions and Optional Protocol-2 are associated with this.
- To shield the rights of common people in the time of internal armed conflicts, such as- rights of military persons, civilian and hors de combat (Non-combatants due to injuries and detention) who are incapable of taking part in the conflicts.

3. Role as against the violation of International Humanitarian Law:

- Not all states are bound to follow or maintain the provisions of International Humanitarian Law.
- Some states follow International Humanitarian Law, but violation of such law is also done by those states.
- ICRC may take appropriate initiatives against the violation of International Humanitarian law by its own utmost effort.
- A perpetual treaty may be made between ICRC and any state about the protection of the desecration of Humanitarian Law.
- The state concerned is notified duly by ICRC for taking suitable measures against the defilement of humanitarian laws.
- As a final point, ICRC may also inform UNO (United Nations Organizations) of taking proper action against the violation of international humanitarian law if the concerned state formerly has failed.
- ICRC may receive a complaint relating to the violation of humanitarian law and after receiving the complaint ICRC transmit it to the state concerned for correct disposal.
- ICRC may also preserve the records relating to the violation of humanitarian law.
- Even though ICRC is not an adjudicatory body, it may ask for the interconnected state for taking required steps against the abuse of humanitarian law and ICRC may also persuade the related states to be careful about the proper protection and promotion of humanitarian laws.

Conclusion

We can say that the main entity of ICRC is to protect & promote humanitarian laws. We know that there is no proper effective measure for implementation of humanitarian laws and in this regard, ICRC is playing a focal role for the conservation of humanitarian laws. Above and beyond, it may play a vital role as protecting power relating to the proper protection of sick, wounded and helpless people in international or internal conflicts. The Central Tracing Agency of ICRC is also doing an imperative job with reference to the back-up (promotion) of humanitarian laws and protection of human rights. My opinion as to the efficacy of ICRC is that there should be more provisions with regard to the adoption of appropriate protection of the rights of affected people by ICRC in the emergency period in a state or in a state under military rule. Power and authority should be given to ICRC for taking essential steps for the protection of human rights. It should be ensured by the ICRC for cooperation of science and technology in relation to the protection and promotion of humanitarian laws and there should be also provisions in relation to the modifications and precise corrections of humanitarian laws by ICRC. Last of all, we can say that ICRC is the best international non-government organization in the world for the protection of the rights of distressed people and proper preservation of humanitarian laws.

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