HUMANIZING THE LAWS OF WAR

Over the past 150 years, the International Committee of the Red Cross (ICRC) has been one of the main drivers of progressive development in international humanitarian law, whilst assuming various roles in the humanization of the laws of war. With select contributions from international experts, this book critically assesses the ICRC's unique influence in international norm creation. It provides a detailed analysis of the workings of the International Red Cross, Red Crescent Movement and ICRC by addressing the milestone achievements as well as the failures, shortcomings and controversies over time. Crucially, the contributions highlight the lessons to be learnt for future challenges in the development of international humanitarian law. This book will be of particular interest to scholars and students of international law, but also to practitioners working in the field of international humanitarian law at both governmental and nongovernmental organizations.

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HUMANIZING THE LAWS OF WAR

The Red Cross and the Development of International Humanitarian Law

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FOREWORD

It was following the battle of Solferino on 24 June 1859 and upon the initiative of Swiss businessman Henry Dunant that both the International Red Cross and Red Crescent Movement and modern International Humanitarian Law (IHL) came into being. The International Committee of the Red Cross (ICRC), then known as the International Committee for Relief to the Wounded, was founded in Geneva on 17 February 1863. Only a few months later, in December 1863, the ‘Württembergische Sanitätsverein’ was created in Germany, which became the very first National Red Cross Society as a voluntary aid society auxiliary to the public authorities in the humanitarian field to care for the wounded and sick on the battlefield as envisaged by Henry Dunant.

The year 2013 thus marked the celebration of ‘150 years of humanitarian action’ of both the ICRC and the German Red Cross. Several events were hosted inside and outside Germany to celebrate these important anniversaries while critically reviewing the Red Cross’ contribution to certain areas of its operation, such as the development, clarification and implementation of international humanitarian law.

The German Red Cross was honored to partner with the Swiss Embassy in Berlin and the University of Potsdam in organising an expert meeting entitled ‘The International Red Cross and Red Crescent Movement at 150: Developing and Clarifying International Humanitarian Law’ in Berlin on 24 June 2013. The panelists and commentators were invited to assess the impact of the International Red Cross and Red Crescent Movement on international humanitarian law, both with respect to and beyond the development of treaty regimes, as well as its influence on related areas of international law such as international criminal law.

Given the outstanding quality of contributions, the organisers aspired to make them available to a larger audience and are very pleased to now present this edited book with much gratitude to the various authors involved in the project. Its publication is timely as reflections on the development, clarification and implementation of IHL have continued and
progressed in the past years. In particular, the 32nd International Conference of the Red Cross and Red Crescent – bringing together States parties to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement – has decided to continue a process to strengthen compliance with international humanitarian law in 2015. These efforts serve to demonstrate the endeavour to keep international humanitarian law relevant for today’s armed conflicts which are increasingly fought in defiance of its most basic rules amidst a deteriorating regional and global political order.

They also highlight the critical role of the International Red Cross and Red Crescent Movement in the development, clarification and implementation of IHL while illustrating the different, mutually reinforcing mandates, strategies and approaches of the Movement’s components with respect to international humanitarian law.

It is in this context that the German Red Cross believes that this publication will contribute to the understanding of how the International Red Cross and Red Crescent Movement has contributed to this process in the past and today. It is my hope and conviction that, despite future challenges, the Movement will continue to make an important contribution to the clarification and development of international humanitarian law, to its adequate application to the realities of modern warfare and, ultimately, to the protection of victims of armed conflict.

Dr. h.c. Rudolf Seiters, President of the German Red Cross