The Actions of the Red Cross and Red Crescent Movement in Support of International Humanitarian Law

Eric Carrey[1]

Abstract

The Red Cross and Red Crescent Movement plays a fundamental role in the development and dissemination of international humanitarian law (IHL). IHL has its origins in the rules of ancient civilisations and religions, which sought to limit the effects of armed conflict. It is also known as international humanitarian law, the law of war, or the law of armed conflict. These rules protect civilians, civilian facilities, and persons hors de combat, such as prisoners of war and refugees. The universal codification of IHL began in the 19th century. The major turning point came during the Battle of Solferino in 1859, when Henry Dunant organised relief for all soldiers without discrimination. This founding act inspired the creation of the Red Cross Movement. Dunant then published "A Memory of Solferino," setting out two key proposals: the neutralisation of medical services on the battlefield and the creation of a permanent organisation to help the wounded. Today, the Movement comprises 191 National Societies and works actively to promote and ensure compliance with IHL.

Keywords: *international humanitarian law; Red Cross and Red Crescent; refugees.*

DOI: https://doi.org/10.62768/ADJURIS/2026/2/06

1. Introduction

International humanitarian law (IHL) is a set of rules aimed at limiting the effects of armed conflict for humanitarian reasons. In particular, it protects people who are not or are no longer participating in the fighting by imposing restrictions on the means and methods of warfare. This legal framework seeks to reconcile military necessity with respect for human dignity, a fundamental principle of IHL.

The Red Cross and Red Crescent Movement is a major player in IHL.

It is therefore important (I) to understand the key role that the Movement has played in the development of IHL and how today, with 191 National Societies around the world, it works (II) to promote and (III) ensure compliance with this

[1] Eric Carrey, a graduate of Saint-Cyr, the University of Exeter and ESSEC, is notably co-founder of the association "rencontres entreprises, enseignants" (business and teacher encounters) and a lecturer in economics, administration and management at prestigious higher education institutions (École normale supérieure, IGENSIA, ENOES, etc.). He was awarded the 2025 Turgot Prize for his contribution to the collective work Réussir la transition énergétique et écologique (Successful Energy and Ecological Transition). After a career in the military, he is now Director of Audit, Internal Control and Quality at the French Red Cross.

law.

2. The key role of the Red Cross and Red Crescent Movement in the development of IHL

The origins of international humanitarian law (IHL) can be traced back to various rules laid down by ancient civilisations and religions. War has always been governed by certain laws and customs.

International humanitarian law (IHL) is known by various names: international humanitarian law (IHL), the law of war and the law of nations, or the law of armed conflict.

Whatever the name, it is a set of rules that aims to limit the effects of warfare, particularly with regard to civilian populations and facilities and persons who are not or are no longer participating in the fighting (prisoners of war, refugees), as well as limiting the objectives, means and weapons of war.

The codification of IHL at the universal level began in the 19th century.

On 24 June 1859, witnessing the Battle of Solferino, a Swiss citizen, Henry Dunant, improvised relief efforts with the help of the local civilian population. The humanitarian aid provided to soldiers on both sides without discrimination was the founding act of the Red Cross. Following this event, he published *"A Memory of Solferino"* and put forward two proposals that form the basis of modern humanitarian law:

- The conclusion of a treaty on the neutralisation of military medical services on the battlefield;
- The creation of a permanent organisation to assist the wounded in war.

In 1863, the International Permanent Committee for Relief to the Wounded (later to become the International Committee of the Red Cross) was founded based on Dunant's ideas. Within a few months, it succeeded in bringing together 16 states at a diplomatic conference.

Thus, on 22 August 1864, the first Geneva Convention, signed by sixteen nations, ratified the international rules defining the fate of persons in enemy hands who were not participating in the fighting.

A total of four conventions were adopted, each covering a different area:

a) 1st Convention: protection of sick and wounded members of the armed forces in the field;

b) 2nd Convention (1949): protection of the sick, wounded and shipwrecked members of the armed forces at sea. Prior to its adoption, their protection was ensured by the Hague Conventions of 1899 and 1907;

c) 3rd Convention (1949): treatment of prisoners of war. It defines the category and sets the conditions of captivity. It replaces a convention adopted in 1929, which had become obsolete due to changes in the conduct of war and its consequences;

d) 4th Convention (1949): protection of civilian populations, particularly in occupied territory, setting out the obligations of the occupying power towards the civilian population.

The Conventions adopted before 1949 concerned only combatants, not civilians. The Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Conventions of 1899 and 1907, contained some basic rules relating to the protection of populations from the consequences of war and their protection in occupied territories. During the First World War, the provisions of the Hague Regulations proved inadequate in the face of the dangers arising from the development of aerial warfare and the problems concerning the treatment of civilians in enemy territory and occupied territories. The International Red Cross Conferences of the 1920s were a first step towards establishing additional rules for the protection of civilians in wartime.

The 1929 Diplomatic Conference, which revised the Geneva Convention on the wounded and sick and established the Convention on the treatment of prisoners of war, merely expressed the wish that "thorough studies be undertaken with a view to concluding an international convention concerning the protection of civilians of enemy nationality who are in the territory of a belligerent or in territory occupied by it." The International Committee of the Red Cross drew up a draft convention consisting of 33 articles, which was approved by the 15th International Conference of the Red Cross held in Tokyo in 1934 and is generally referred to as the "Tokyo Draft". This draft convention was to be submitted to a diplomatic conference scheduled for early 1940, but the war postponed it. The events of the Second World War showed how deplorable the absence of an international convention protecting civilians in wartime was.

The Fourth Convention, adopted in 1949, took into account the experiences of the Second World War. The Convention deals briefly with the general protection of populations against certain effects of war (Title II), but leaves entirely aside the question of limiting the use of weapons. Most of the Convention (Title III - Articles 27 to 141) sets out the rules governing the status and treatment of protected persons: these provisions distinguish between the situation of foreigners on the territory of a Party to the conflict and that of the population of occupied territories. The Convention does not replace the provisions of the 1907 Hague Regulations, which remain in force, but according to the wording adopted by the Conference, it "shall supplement Sections II and III" of those Regulations (Article 154 of the Convention).

We can therefore consider that, as of 12 August 1949, the date of the signing of the FourthConvention, the main body of international humanitarian law is complete[1] .

It should be noted that the Conventions were supplemented by two additional protocols (1977) relating to the protection of victims of international armed

[1] The Convention will enter into force on 21 October 1950.

conflicts and the protection of victims of non-international armed conflicts, and then by other conventions, notably on the regulation of weapons, such as the Ottawa Convention on the prohibition of anti-personnel mines, or specific treaties prohibiting or restricting the use of certain biological or chemical weapons, blinding laser weapons, incendiary weapons or bullets that explode or flatten easily in the human body.

The Geneva Conventions, which gave rise to it, give the International Committee of the Red Cross (ICRC) the specific mandate to assist and protect victims of wars and internal conflicts. The International Red Cross and Red Crescent Movement is therefore closely linked to the development and evolution of international humanitarian law (IHL). As a relief organisation, it also participates in the establishment of increasingly protective rules for assisting victims through the promotion of IHL.

3. The key role of the Red Cross and Red Crescent Movement in disseminating IHL

In order to be respected, international humanitarian law must be known. By becoming parties to the four Geneva Conventions of 1949 and their Additional Protocols of 1977 relating to the protection of victims of armed conflicts, States have undertaken to disseminate the provisions of these instruments as widely as possible, both in times of peace and in times of conflict.

IHL applies only in situations of war (jus in bello). It does not determine whether or not a State has the right to use force (jus ad bellum). This question is governed by an important but separate part of international law, set out in part in the Charter of the United Nations.

The rules of IHL must therefore be known to the armed forces and the general population. Although it is primarily the responsibility of States to disseminate this law, other organisations such as the national Red Cross and Red Crescent societies have a mandate to assist them in this task and are encouraged to take initiatives to this end.

This mission is set out in the statutes of the Red Cross and Red Crescent Movement, and in particular of the French Red Cross. The French Red Cross "*disseminates and assists the government in disseminating international humanitarian law. It takes initiatives in this regard. It disseminates the principles and ideals of the Movement and assists its government, which also disseminates them. It also collaborates with its government to ensure respect for international humanitarian law and the protection of the distinctive emblems recognised by the Geneva Conventions and the Additional Protocols to those Conventions.*"

The IHL dissemination strategy has four main areas of focus:

1. Political support for IHL. IHL is supported within the association at an institutional level. It is accessible to the association's network of volunteers (both unpaid and paid). Support for IHL is also promoted to public authorities and other

Red Cross and Red Crescent societies, in particular through humanitarian diplomacy.

2. IHL dissemination activities are carried out with the armed forces (military schools, police, gendarmerie), government officials, legal professionals, health professionals, communication professionals (humanitarians, journalists), young people and the general public.

3. Support for the dissemination of IHL is provided through a network of volunteers, including 600 facilitators and 70 trainers specialised in the areas of training. Support is provided in the regions by IHL activity managers.

4. Finally, the strategy is based on reflection and forward thinking on new human rights issues, in particular: new weapons technologies (military robotics, cyber warfare, etc.), the strengthening and enforcement of IHL, and new challenges to IHL.

This specific role in terms of dissemination and implementation was confirmed in the recommendations of the Intergovernmental Expert Group on the Protection of War Victims, approved by the 26th International Conference of the Red Cross and Red Crescent in its Resolution 17. The latest resolution adopted at the 23rd International Conference reinforces the national implementation of international humanitarian law.

First held in 1867, the International Conference is traditionally held every four years. It is the highest deliberative body of the International Red Cross and Red Crescent Movement, bringing together the 196 States party to the 1949 Geneva Conventions on the protection of victims of armed conflict, the 191 National Red Cross and Red Crescent Societies, the ICRC and the IFRC. It is a unique humanitarian forum where members meet on an equal footing to discuss and take decisions on humanitarian issues of common concern. Other actors who are not members also participate in the discussions as observers. These include several international and regional organisations, the United Nations and some of its specialised agencies, non-governmental organisations, academic institutions, etc.

The meetings of legal advisers and the international conferences of the Red Cross and Red Crescent are important opportunities to reaffirm the specific role of national societies in implementing and disseminating IHL with their authorities.

These international conferences are a unique meeting place for members of the world's largest humanitarian network and most governments. They are a major event on the humanitarian calendar and the main forum on the planet where governments, decision-makers and the various components of the International Red Cross and Red Crescent Movement can devote themselves to promoting and fuelling the humanitarian debate.

At the conference, the States, as parties to the Geneva Conventions and partners in humanitarian action, make joint commitments with the Movement to advance humanitarian action. Past decisions have contributed significantly to

strengthening international humanitarian law and its implementation. The conference also has the important function of supporting National Societies in their role as auxiliaries to the public authorities of their countries in the humanitarian field.

In addition to the formal decisions adopted in the form of resolutions, conference participants are invited to make commitments. These commitments, which may be individual or collective when several participants subscribe to them, are important in ensuring that the decisions taken by the conference are translated into concrete action in the various countries.

The 34th International Conference met in Geneva from 28 to 31 October 2024 to discuss current and future humanitarian challenges under the overall theme of "Managing uncertainty – strengthening humanity". The Red Cross and Red Crescent Movement and States reaffirmed their commitment to IHL and their determination to ensure its full implementation, particularly at the national level. The resolution, entitled "Ownership of IHL: a roadmap for improving the implementation of international humanitarian law at the national level", calls for practical measures such as dissemination, training and ratification of treaties to improve national implementation and prevent violations of IHL.

4. The key role of the Red Cross and Red Crescent Movement in ensuring respect for IHL

These conferences also reinforced the importance of respecting the five principles underlying international humanitarian law.

The principles of humanity, military necessity, distinction, proportionality and precaution, as well as the prohibition of unnecessary suffering, must be respected in international and non-international armed conflicts, without exception and regardless of whether either party respects these principles.

Thus, the principle of humanity imposes IHL as a pragmatic law at the heart of the conflict in order to reconcile military and human necessities.

The principle of distinction requires belligerents to distinguish at all times between the civilian population and combatants, as well as between civilian property and military objectives, and recalls certain prohibitions: the prohibition of starvation as a method of warfare, the prohibition of forced displacement, and the prohibition of indiscriminate attacks stem from the principle of distinction. Weapons or methods that cannot distinguish between civilian and military targets may not be used.

The precautionary principle applies when a military operation must be carried out despite the risks to civilians. It requires that "military operations must be conducted with constant care to spare the civilian population, civilians and civilian property" (Art. 57, PA I). Thus, it is prohibited to place military objectives in populated areas (barracks in residential neighbourhoods, weapons stores near schools, etc.) in order to protect the population.

The principle of proportionality states that if, after taking all necessary precautions (see above), the neutralisation or destruction of the enemy's military advantage is still likely to cause civilian casualties and damage, these military operations must be carried out in such a way as to avoid causing casualties or damage to civilians and civilian property "which would be excessive in relation to the concrete and direct military advantage anticipated" (Art. 51 §5b, PA I).

The principle of prohibiting superfluous harm and unnecessary suffering ensures that damage or suffering that is not necessary to achieve strictly military objectives and weaken the opposing side is avoided. This prohibition also applies to methods and means of warfare that could cause widespread, long-lasting and severe damage to the natural environment.

For example, the use of lasers that can cause permanent blindness has been banned because weakening the opposing side had disproportionate traumatic consequences.

However, in many armed conflicts around the world, these fundamental principles are not respected. There is a growing gap between the binding legal obligations under international humanitarian law and the reality on the ground. This results in inconceivable and unacceptable suffering and destruction. The international community has a collective responsibility to take urgent action to stem the tide of IHL violations. It is essential to strengthen credible, effective and impartial means of ensuring accountability for IHL violations and preventing impunity.

On 29 April 2025, Algeria, Australia, Austria, Brazil, China, Colombia, Costa Rica, Egypt, Ethiopia, France, Germany, Indonesia, Jordan, Kazakhstan, Kenya, Luxembourg, Mexico, Peru, the Philippines, the United Kingdom, Sierra Leone, Slovenia, Switzerland, Uruguay, and the ICRC have reaffirmed their full commitment to revitalising political engagement in favour of international humanitarian law (IHL) through the Global Initiative launched in September 2024 in New York.

This initiative highlights the need to act quickly to encourage each State to comply with its obligations under IHL. In a context where the principles of IHL (humanity, distinction, proportionality, etc.) are regularly flouted, it seems essential to create new ways of preventing impunity and ensuring accountability in cases of IHL violations.

The global initiative was launched in response to the need for swift and decisive action. Its main objective is to strengthen political commitment to IHL and promote its universal, uniform and faithful application at the global, regional and national levels. It also aims to deepen reflection on the current and contemporary challenges facing IHL.

The meeting in New York marked a new step towards the success of this initiative, which will produce concrete and practical recommendations and cul-

minate in a high-level meeting to defend humanity in times of war in 2026. Constant efforts are underway, and everyone is actively committed to achieving this goal. In-depth consultations with States and experts have been launched in seven areas of work on key issues, such as good practices in prevention, national IHL commissions, IHL and peace, protection of civilian infrastructure, effective protection of hospitals, respect for IHL in the use of information and communication technologies, and naval warfare. All High Contracting Parties to the Geneva Conventions are therefore called upon to join this initiative to reaffirm that the application of international humanitarian law must be universal, impartial and consistent.

5. Conclusion

Created by Henry Dunant during the Battle of Solferino, the Red Cross has been an international movement providing aid and assistance to victims since its inception. Through its constant action on behalf of victims and the dissemination of its ethics of tolerance and dialogue, it contributes to the prevention of conflicts and tensions.

The Geneva Conventions were adopted in 1949 and have now been universally ratified. They represent a universal recognition of the fact that war must be subject to rules in order to limit its devastating effects on humanity. They form the core of international humanitarian law (IHL), which protects people who are not or are no longer participating in hostilities. IHL also regulates the conduct of armed conflicts by limiting the means and methods of warfare used in order to preserve a degree of humanity in armed conflicts, save lives and reduce suffering. The Geneva Conventions – and IHL – protect the rights of all persons affected by armed conflict and ensure that everyone, even the enemy, is treated as a human being.

IHL is therefore the formal expression of universally shared and deeply rooted human values. Throughout history, virtually all wars have been subject to a minimum set of rules governing their conduct and the means of protecting vulnerable persons, such as detainees, children, or the wounded and sick. IHL complements and reinforces legal traditions, civilisations and cultures, and constitutes a common heritage of humanity. The strength of international agreement on these rules aimed at limiting the human cost of war should not be underestimated. In reality, the world has no more effective tool for protecting victims of armed conflict in times of war.

In a divided world, the fact that every State has decided that limiting the human cost of war is a moral obligation remains a powerful gesture. The conventional rules of IHL have now been in force for 75 years and remain more relevant than ever. When parties respect the law, lives are saved, families remain in contact with their loved ones and the dignity of detainees is respected. These aspects

are less visible or publicised, but they serve as a powerful reminder that IHL counterbalances inhumane behaviour in times of war and that the situation would be worse without the protection it provides.

The Red Cross and Red Crescent Movement plays an essential role in disseminating and ensuring compliance with IHL. It is there to bear witness to the protective effects of IHL on a daily basis. The very core of its work (visiting detainees, repatriating mortal remains, supporting hospitals, moving freely across front lines to help those in need, and examining allegations of violations in complete confidentiality with the parties) is only possible thanks to the effectiveness of IHL. Some members of the Movement have sacrificed their lives in the process. In 2024, the deadliest year on record for humanitarian workers, the International Red Cross and Red Crescent Movement alone mourned the loss of 38 employees and volunteers.