

Analysis of the Legal Foundations of the Actions of the International Committee of the Red Cross in Mediating Armed Conflicts Between States




Alireza. Bargestani¹, Abbas. Barzegarzadeh^{2*}, Mohammad. Chamkoori³

¹ Department of Law, Public International Law, Emirates Branch, Islamic Azad University, Dubai, United Arab Emirates

² Department of Law, Bushehr Branch, Islamic Azad University, Bushehr, Iran

³ Department of Law and Jurisprudence, Bushehr Branch, Payam Noor University, Bushehr, Iran

* Corresponding author email address: abbasbarzegar60@gmail.com

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EDITOR: Richard Dodder  Emeritus Professor of Sociology and of Statistics, Oklahoma State University Stillwater, Oklahoma, USA. Email: rdodder@hotmail.com			
REVIEWER 1: Mrinalini Puranik  National Health Mission, Ministry of Health and Family Welfare, India. Email: MriPuranik@gmail.com			
REVIEWER 2: Thanuja Kulasooriya  Department Soil Science, Faculty of Agriculture, University of Ruhuna, Mapalana, Kamburupitiya, Sri Lanka. Email: thkulasooriya@soil.ruh.ac.lk			

1. Round 1

1.1. Reviewer 1

Reviewer:

The sentence “...this goal must be achieved through established international legal principles” could be strengthened by identifying which legal principles are referred to—perhaps referencing IHL or treaty law explicitly.

The claim that “commitment ensures relative justice and guarantees the interests of smaller powers” needs substantiation. Please provide examples or citations to support how smaller states have been protected in practice through ICRC mediation.

The paragraph references soft law but lacks a clear delineation of how soft law norms translate into customary law or shape treaty interpretations. Consider citing specific examples such as the UDHR’s influence on binding treaties.

The claim “states... compelled to establish adaptive mechanisms for rapid legal responses” is an important one. Please support this assertion with state practice examples or references to emergency protocols.

The phrase “...regulating relations among members of the international community” is general. Please specify which conventions or legal instruments form the basis of state responsibility—such as the ILC Draft Articles.

The claim “ICRC is the foremost actor in ensuring international responsibility” is strong. Please clarify how this compares with other institutions like the UN or ICC, and provide supporting evidence.

You mention “preventive torture” by the U.S. Justification via “necessity” requires clearer treatment. Consider adding references to ICJ, CAT Committee views, or relevant state practice that supports or rebuts this justification.

The reference to Article 7 of the Rome Statute is appropriate. However, the connection between state responsibility and individual criminal responsibility could be better delineated for conceptual clarity.

The reference to “The view of the past in international humanitarian law (1860–2020)” is helpful but would benefit from a more direct summary of its key findings as applied to this article’s argument.

The sentence “...while lacking the full legal enforceability of binding treaties...” is ambiguous. Consider explaining how customary international law and ICRC practice interact, especially under Common Article 3.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

When discussing “natural law school” vs “positivist school,” the article presents these as mutually exclusive. Consider mentioning legal pluralism or contemporary hybrid approaches to legal theory to reflect modern academic consensus.

“...functions both during wartime and peacetime.” This could be elaborated with examples of ICRC peacetime operations to show the full scope of its mandate.

The statement “Under Chapters VI and VII...” lacks specificity. Please identify which provisions of the UN Charter support mediation, and clarify the apparent contradiction, as Chapter VII typically concerns enforcement actions.

You mention that “mediation has significantly evolved” over two decades. Please provide specific milestones, resolutions, or empirical studies to support this evolution claim.

The list of IHL obligations (e.g., providing warnings, evacuating civilians) is well-structured. However, consider citing specific Geneva Conventions or Additional Protocol articles corresponding to each obligation.

The claim that “civilians play a decisive role in outcomes of armed conflicts” is more a political science observation than a legal one. Clarify the relevance of this point in a legal context or rephrase accordingly.

“These organizations advocate for governmental reforms...” blurs the line between ICRC’s neutrality and the roles of other NGOs. Reaffirm the ICRC’s mandate under neutrality to avoid conceptual conflation.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.