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31st International Conference of the Red Cross Red Crescent
Geneva, 28 November–1 December – **For humanity**



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OF THE RED CROSS AND RED CRESCENT**

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**Keynote address
by Dr. Jakob Kellenberger, President, ICRC**

International Committee of the Red Cross

Geneva, 28 November 2011

Madam President of the Swiss Confederation,
Excellencies,
Ladies and Gentlemen,

This conference comes near the end of a quite extraordinary year. From the armed conflicts in Ivory Coast and Libya, to the dramatic and largely unanticipated events in North Africa and the Middle East, and to the tsunami and nuclear disaster in Japan, the past year has set many challenges to humanitarian response.

In the last four years, well over 60 countries have suffered armed conflicts, with civilians bearing the brunt of the devastating consequences.

Beyond armed conflicts, we have also seen massive social unrest in many countries; natural disasters such as those in Pakistan and Haiti; and violence in the context of organised crime, with death tolls sometimes far exceeding those of armed conflicts. These situations have also caused millions of people to suffer similarly devastating and distressing consequences.

We have to respond to complex humanitarian needs in increasingly diverse and unexpected situations. The effects of the economic and financial crises add to the complexity of the challenges to be faced in various contexts.

I will address two issues of particular interest and concern for all of us: barriers to health care and strengthening legal protection in armed conflicts. But before focusing on these questions, let me make a few remarks about the environment in which we operate.

The environment in which humanitarians operate is changing and the constraints are numerous. Humanitarian activities are sometimes denied for political reasons, for instance because they are perceived as a threat to the sovereignty of States, or as legitimising non-state armed groups. The increasing involvement of military forces in humanitarian action – particularly in situations of armed violence – can create a serious obstacle to humanitarian action being perceived as independent, impartial and exclusively humanitarian. Moreover, humanitarian access is often complicated by administrative barriers and restrictions, such as difficulties in obtaining visas, import authorisations for relief supplies, delaying procedures and repeated controls.

Security-related issues are among the main constraints to humanitarian access. Ongoing armed confrontations; the increasing fragmentation and complexity of conflicts with their multiple actors; lack of access to non-state armed groups to gain acceptance and security guarantees; the deliberate targeting or kidnapping of aid workers or of aid convoys – these are some of the factors that have prevented humanitarian assistance from reaching those in need, leaving the fate of tens of thousands of civilians uncertain.

In light of these challenges, the debate we will have at this International Conference on humanitarian access is timely. Its relevance is benchmarked against its contribution to improving access on the ground.

The extent of access a humanitarian organisation enjoys doesn't depend only on others. It also very much depends on the credibility of the organisations themselves and their capacity to carry out relevant action for those in urgent need of assistance and protection.

I wish now to address one specific concern, that of health care in armed conflicts and other situations of violence.

As if the strain on healthcare during times of crisis were not enough - with its overload of patients, shortage of supplies, disruption due to fighting and violence - it is all too frequently exacerbated by the flagrant lack of respect for the rules of international law. Health workers are harassed or threatened, sometimes simply for treating or coming to the rescue of the wrong patients. Supplies are diverted or robbed. Ambulances are misused for military purposes or deliberately blocked from accessing the wounded. Ambulances and hospitals are directly targeted, killing or wounding healthcare staff and patients.

Such violations effectively deny the right of wounded and sick people to healthcare. They have far-reaching consequences, exacerbating a situation of insecurity where health care workers and humanitarian actors cannot reach those in need. This leads to immeasurable longer-term repercussions on entire communities. In Afghanistan, Pakistan and Colombia, for instance, vaccination campaigns have faced setbacks because of the difficulty in ensuring the security of health care workers. This is the reality that we, the ICRC and National Societies of the Red Cross and Red Crescent, face in many countries where we operate today.

This intolerable situation calls for action - for increased efforts by ourselves, by the other components of the Movement, and for effective measures by States who have the primary responsibility in ensuring health care for their populations.

The ICRC, together with National Societies and other partners, is therefore stepping up its operational activities relating to health care, mobilising public opinion, and advocating for the adoption of appropriate solutions.

Already, National Societies and the ICRC are working hand in hand around the world to maintain and improve health care in armed conflicts and other situations of violence. This was evident once more this year in such challenging situations as Somalia, Libya and Syria, where close cooperation with the National Red Crescent Societies was – and is – decisive for the timelines and quality of assistance provided in the health and medical sector. In fact, National Societies are the main local actor and primary partner of the ICRC in the majority of contexts. I take this opportunity to pay tribute to the commitment and courage of the volunteers of these societies.

Health services and physical rehabilitation are among the ICRC's largest assistance programmes. At our last conference, I informed you about the ICRC's intention to boost its capacities to provide high quality health services in general, and medical care in particular, in the years to come. This determination was confirmed in our strategy 2011-2014. Indeed, health services figure among the domains where the ICRC will play an important role in all situations where it is active.

These situations are armed conflicts, which will remain at the heart of the ICRC's mission; other situations of violence; and natural disasters in conflict environments. They also include early recovery situations with activities aimed at re-establishing and reinforcing the physical and psychological resilience of victims of armed conflicts and other situations of violence.

The reinforcement of our health and medical response is well on track, as demonstrated by contexts such as Afghanistan and Pakistan.

More remains to be done. The close cooperation with Participating National Red Cross Societies with their medical capacities and experience will remain crucial for successful operations. I also wish to thank these societies.

A trustful cooperation with the International Federation at all levels matters to the ICRC. It is important for the Movement as a whole, the Movement as a network whose components stick to the same principles.

Ladies and Gentlemen,

I turn now to strengthening legal protection of victims of armed conflict under international humanitarian law.

Based on its long experience, the ICRC is convinced that the very existence of legal rules is essential for the protection of victims of armed conflict. If the Geneva Conventions did not exist, they would have to be written. Legal norms cannot be adequately replaced by policies, non-binding commitments or ethical codes, because these change with circumstances and political priorities.

It is, of course, difficult to measure the impact of binding norms. It is also true that violations continue to be committed in spite of these norms. However, the impact of legal rules should not only be measured by the violations we see, but also by atrocities that were prevented. Wars would be even more horrific if there were no rules at all.

If we accept that the very existence of binding norms of IHL contributes to better protection, then reviewing their adequacy to respond to contemporary humanitarian problems is an ongoing task.

In most cases, the law provides sufficient protection and the problem lies in lack of compliance. Even as the face of war inevitably changes, the norms are in general broadly formulated so that they can be interpreted in the light of different and evolving circumstances, according to their object and purpose. The founding principles of IHL - the obligation to spare the civilian population from the effects of hostilities, the protection of the life, health and dignity of all persons – are as true, and as necessary, as ever, and must be recalled and reaffirmed.

In this spirit, at the last International Conference in 2007, States and the components of the Movement adopted Resolution 3 on the reaffirmation and implementation of international humanitarian law - a strong resolution whose main message is that respect for existing rules of IHL is essential to preserve human life and dignity in armed conflict.

Existing IHL has proven, on the whole, to adequately regulate contemporary armed conflicts. However, there are certain areas where the ICRC considers that existing rules fail to provide sufficiently clear answers to specific humanitarian concerns. This can be because a certain area was deliberately never regulated, or not regulated in any detail. Doubt can also arise when realities change so much that existing rules cannot be interpreted to provide the answers; or when there is disagreement on whether they can or not. In such situations, the law must be strengthened, sometimes by clarifying it to make sense in contemporary circumstances, or sometimes by developing additional rules.

The ICRC has for the past few years been engaged in a process of research on the need to strengthen international humanitarian law and has identified four areas in which it considers that international humanitarian law should be strengthened. These are the protection of internally displaced persons; the protection of the natural environment; the protection of persons deprived of their liberty in non-international armed conflicts, and the need to enhance and ensure the effectiveness of mechanisms of compliance of IHL, and to ensure reparations for victims of armed conflicts.

The consultations so far have effectively narrowed the focus of discussions onto the subjects of compliance with international humanitarian law and of detention in non-international armed conflict. The majority of States did agree that the humanitarian problems arising in these two areas are of concern.

This does *not* mean that everyone agreed with the ICRC that these areas of IHL fail to provide sufficient protection. Some held the view that these particular humanitarian concerns must be addressed by reaffirming and respecting existing rules. Thus, the discussion on *how* the humanitarian problems should be addressed – by reaffirming existing rules, clarifying them or developing them – remains an open question. What is clear, however, is that this conversation *must* take place.

The decision on whether to go forward or not ultimately lies in the hands of governments, as they alone can create international law. It is however the ICRC's responsibility – based on its field experience and expertise – to draw governments' attention to areas where it feels international humanitarian law should be strengthened. Just as the nature of armed conflict is evolving, so are the humanitarian consequences and the needs for protection.

Today, the ICRC will submit to this Conference the results of its stock-taking. The proposal to strengthen international humanitarian law is dictated by our belief that – along with humanitarian action - stronger law will bring stronger protection.

Ladies and gentlemen, allow me to conclude. We are living in a time of extreme uncertainty, facing more complex environments with blurred lines - blurred lines between humanitarian action, early recovery and development, blurred lines between different forms of organized armed violence, armed conflicts being one of them; and blurred lines with regard to the applicability of different bodies of law.

Are we drawing the right conclusions? Are we asking the right questions?

One thing is clear: there is no reason to become paralysed or exhausted in endless speculation because we have to face uncertainty or to get lost in endless debate over ever-changing and often ill-defined notions. It is however useful to accept the certainty of uncertainty and indispensable to maintain our will and capacity to act. Moreover, there are things we can do which will be useful in any type of situation that might arise, such as sticking to a principled approach tested on the ground, strengthening our rapid deployment capacities with all that implies, and increasing the number of actors with whom we are in dialogue.

Blurred lines, increased complexities, and the need for adjustment are all factors taken into account in ICRC's strategy. At the heart of this strategy is the determination to further strengthen our scope of *action*. *Declarations of intent* will never be sufficient to save lives and protect human dignity. We shall not let up in our efforts to take on board the perspective of those whose lives have to be saved now and whose dignity has to be protected now. And we resolve to act accordingly, now and tomorrow.

Thank you for your attention.