



ICRC

Speech given by Mr Peter Maurer
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OSCE Parliamentary Assembly
« **New Security Challenges and the ICRC** »
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1. Introduction

Mr Chairman, Excellencies,

I would like to thank you for the opportunity to address you here today.

The International Committee of the Red Cross and the OSCE have very different mandates – in a nutshell: you seek to prevent conflict, we seek to ease its impact – but our work still overlaps in many areas.

The OSCE is unique in bringing together an unparalleled amount of political actors with a large bandwidth of opinions and positions. You thereby represent a forum in which future security challenges can be thought through and eventually addressed.

In particular the fact that you as Parliamentarians are discussing here is of crucial importance. Still too often, Parliaments do not play the full role they should be able to play when it comes to debating security and humanitarian issues and linking international challenges to national legislative processes.

2. ICRC & OSCE

I am here today to talk about “New security challenges and the ICRC” and thus to offer a distinct humanitarian perspective to your debates. Let me therefore just start with a few remarks on our two institutions.

The three key dimensions in the OSCE’s work - security, economic, human - are critical for the ICRC, through our work within armed conflicts we are close to your security dimension. Our support for livelihoods relates to the economic and our mandate to mitigate the impact of conflicts to the human dimension.

All OSCE member states are also High Contracting Parties of the Geneva Conventions. You own the Geneva Conventions, the ICRC is only its custodian. And with the Geneva Conventions comes the collective responsibility to respect and ensure respect for International Humanitarian Law. So the OSCE and the ICRC both have to work hand-in-hand to protect and strengthen IHL. But we also have operations in the same regions, notably in Ukraine, the Caucasus and Central Asia. And our work overlaps when we think about so called frozen conflicts (protracted crises), such as in the Caucasus or the Balkans or when we work on issues like missing persons or on population displacements and migration.

Both of our organizations are strongly determined by normative work and policy consensus.

But there are also clear distinctions.

The OSCE is a political; the ICRC is a humanitarian organization.

You have all been elected, and you have a responsibility towards your constituencies. Your mandate is to build a safer world based on sustainable political solutions.

The ICRC is an impartial, neutral and independent organization whose exclusively humanitarian mandate is to protect the lives and dignity of victims of armed conflict and other situations of violence, and to provide them with assistance and ensure their protection.

The ICRC does not shape the future. Its mission is to ease the impact of armed conflict and violence in the present and thus to assist and protect victims of conflict. We work to prevent abuses within conflict, but we cannot prevent conflict beyond engaging for the prevention of violations of IHL. That is a political job - your job.

So we work on some of the same issues and we work in the same contexts. Our roles are different. But they are largely complementary. While you make an effort to integrate different perspective, our focus is to keep the humanitarian perspective separate from other agendas and to allow the greatest possible acceptance by parties to conflict and ensure the largest possible access to all those in need. The OSCE is aspirational, trying to build and form security and cooperation. The ICRC is seeking full respect of applicable norms and preserve a minimum of shared humanity in conflict.

Again, the OSCE seeks to prevent conflict. The ICRC seeks to prevent the most serious abuses in conflict.

3. New Security Challenges – “New challenges in an old game”

As a humanitarian actor, the ICRC has a distinct perspective on new and emerging security challenges, which are often not really new but a complex combination of old and new factors.

Six key areas are of particular concern:

Firstly, **the changing global environment:** Armed violence today takes place in the context of evolving international power structures and therefore changing patterns of influence on internal and international conflict dynamics. This forces the ICRC to considerably enlarge its engagement with States who are at the same time HCP to the GC in order to support them “to respect and ensure respect” for International Humanitarian Law. At the same time, many emerging countries have capacities and capabilities, which are made available to international relief operations thus increasing the necessity for cooperation and coordination and the potential for mutual support in these efforts. In that sense the ICRC has considerably enlarged its

interactions with emerging countries and non-traditional donors in the last couple of years (Delegations in China, Mexico, Brazil, Russia, India).

Secondly, we have been witnessing the emergence of **new actors in today's battlefields**: New and often fragmented groups with unclear chains of commands and structures and extremist postures force us to considerably scale up capacities for engagement. Many of these new actors have at the same time access to the same weapons and strategic skills for warfare and communication capacities as states. The number of armed groups leads to increasingly de-structured conflicts, in these new contexts, different form of violence mix (conflict driven, criminal, inter-communal etc.); moreover, warfare happens more often in urban areas thus affecting larger numbers of civilians. Together, this leads to a transformation of our operational environment and challenges us: how to draw these actors to abide by the existing laws on the conduct hostilities/use of force or the treatment of detainees according to the established customs of war; and what legal framework (IHL or HR law) to apply.

Thirdly, we see the shapes of **battlefields changing**: conventional armed conflict is amplified by the easy availability of arms and the addition of new means and methods of warfare: cyber warfare, remote use of weapons, covert operations or militarized policing are relatively new phenomena. The geographic areas of the applicability of AC are increasingly difficult to define. (Example: Drones in Yemen, Somalia, bombardments in Syria)

Fourthly, we see a **deepening and expansion of conflict dynamics**, which transform national dynamics and their humanitarian impact increasingly into regional and global threats: Syria /Iraq, Afghanistan/Pakistan, Sahel, Sub-Saharan Africa, Ukraine: We witness a trend from temporary disruption, to protracted conflict to regional system disintegration in terms of health, water and sanitation, nutrition, habitat and education. In those new dynamics, we increasingly are aware of **recurring issues of violence and violations of law** like sexual violence, violence against health care workers and health facilities, which need different qualities of response than just temporary relief.

We are fifthly observing **an erosion of the capabilities of conflict-affected states** to provide essential services to populations: long-term protracted conflicts erode state capacity.

And finally, we see that **social media and global interconnectedness** add pressure and speed that can exacerbate conflicts and create additional constraints. This defies our effort to establish and maintain confidential dialogue with the authorities on critical humanitarian issues and to maintain a space for positive change away from public pressure.

4. Challenges emerging from this security environment are practical, legal and political for the ICRC.

I would like to illustrate them with some questions and contextual remarks:

- How to negotiate security and access? How to engage with a multiplicity of unstructured armed groups? (Example: Ukraine, Syria, Iraq, Afghanistan).
- How to adequate IHL in such new contexts? (International/Internal AC/ OSV – qualification)
Who is a combatant and who is a civilian and what is direct participation in hostilities and therefore a legitimate target?

What is the legal framework for acceding detainees in NIAC as we are increasingly confronted with detainees held by NSAG? (POW, security detainees)

How do we address the fact that we may have an incomplete legal basis for new methods of warfare? (Cyber warfare)

How should we cope with the urbanisation of warfare and the particularly challenging application of the rules of war and the use of weapons and ammunitions in urban environments and densely populated areas? (Gaza, Lugansk, Donjetsk, Aleppo).

How to protect civilians in protracted situations of violence below the threshold of IHL applicability. In that context: how to manage the interaction of IHL and HRL. (Example Bangui)

How do we address increasingly regional and global challenges with national response structures?

How do we deal with recurring patterns of violence and violations? (Middle East, Ebola)

You are members of legislative bodies and you know how difficult it is to make sure that legislations and policies are up to date with reality. We face this same struggle with IHL and humanitarian diplomacy. Is the legal framework that we base our operations on sufficient? And how do we ensure that existing norms are respected by belligerents and political authorities.

5. Response patterns

By in large and over the last two decades, the international community is responding to the broader and deeper challenges by a stronger integration of peace, human

rights, developmental and humanitarian agendas: humanitarian action is often integrated into more comprehensive response systems, functions as a replacement for the lack of political solutions or is politicised and instrumentalised as confidence building step in broader and more comprehensive frameworks.

ICRC has taken issue with such approaches in particular in sensitive conflict ridden areas and contexts of emergency as they come at the price of complicating or preventing access, politicising a shared space of humanity, marginalizing or antagonizing parties who do not share some of the political visions of an integrated international response and restraining avenues of collaboration and engagement.

We have therefore advocated in favour of keep the implementation and development of IHL as well as humanitarian action in emergencies and crisis situations clearly distinct from some of the more ambitious and more political agendas of the international community. In order to do so, we have engaged with HCPs to negotiate modalities, which allow for a credible NIIHA.

6. Some examples of distinct processes.

Let me just mention some approaches, which ICRC has chosen to respond to the challenges mentioned:

We have launched a distinct process of engaging HCPs to create a regular meeting of HCP to the GVA convention to discuss problems of application of IHL.

We are engaged in different processes of clarification of the law: different initiatives at different levels

- Detention in NIAC
- Clarification through expert driven process on weapons and battlefields: cyber, remote, automated warfare, video gaming
- Address with specific legal, policy, advocacy process recurring patterns of violence and violations
/ HClD: result of process. Recommendations to practitioners and legislators: national legislation and international consensus building
- SV: advocacy and programming
- Engaging with state and NSAG: traditional and new forms and formats of engagement
- Professional development: HMLS, community of negotiators (access)

Such distinct processes do not mean that we are not ready and willing to exchange, coordinate and eventually cooperate with other institutions but that we have a more ambitious and stringent requirement for consensus-building in order to ensure acceptance and implementation of the law and security and access for our staff on

the ground in increasingly complex environments.

7. Conclusion – Message to parliamentarians

With evolving power shifts, conflict patterns and response systems, the humanitarian space can be expanded, but the truth is that humanitarian action – and the ICRC within it – has limits.

When politics cannot prevent or stop conflict, the minimum we need from you is that you ensure that humanitarians have the necessary political space to help victims without discrimination. That we can fulfil our mandate in the best possible conditions, without being instrumentalized, with the greatest access possible, and with the highest security guarantees possible.

The ICRC would greatly welcome it if there was a political commitment that States embrace their responsibilities for conflict resolution which is ultimately the best response for putting a end to human suffering. And we appreciate parliamentary support for national and international legislative frameworks, which allow us to better cope with the new security environments and its impacts.

Thank you.