

Interview with Peter Maurer

President of the ICRC*

Since 2011, the humanitarian impact of the crisis in Syria has continued to worsen. The conflict is characterized by frequent violations of international humanitarian law (IHL): indiscriminate attacks in urban areas, the targeting of civilians and essential services such as water supply and health care, and the use of prohibited weapons, to name just a few. All of these have devastating consequences for the Syrian people, who are caught between the opposing sides. The conflict has brought not only bombs and missiles but also harsh living conditions, displacement, lack of access to food, water and medicine, uncertainty regarding the fate of missing or detained loved ones, and interruption of all aspects of life, including the education of a generation of Syrian children. Many people have fled, while others have stayed and attempted to live their lives amid the chaos of war.

In the face of these overwhelming needs, humanitarian organizations such as the International Committee of the Red Cross (ICRC) struggle to respond. The ICRC is helping people both inside Syria, who are facing extremely difficult conditions because of the conflict, and the hundreds of thousands of Syrian refugees in Jordan, Lebanon, Iraq and elsewhere. In partnership with the Syrian Arab Red Crescent, the ICRC distributes food and other essentials, restores water supplies and supports medical services.

In this interview, ICRC president Peter Maurer reflects on the complexities of the armed conflict in Syria, the difficulties of providing a neutral and impartial humanitarian response in this context and the importance of the parties to the conflict upholding their obligations to the civilian population.

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You have been to Syria several times since the conflict began. What can you tell us about what you have seen there?

Whenever I speak to my predecessor, I am always struck by how much, during his time as president of the ICRC between 2000 and 2012, his main concern was coping with a unipolar world that had the United States defining the interpretation of IHL in the combat operations where it was involved.

It's almost symbolic that only a couple of weeks after I became ICRC president in 2012, the organization publicly classified the crisis in Syria as a non-international armed conflict. Many of my experiences in the years since have been closely connected to this conflict. It is the context I have visited most often, the conflict I have had to follow most closely and whose actors I know best. It is also a conflict in which I have had some remarkable experiences, from standing in the middle of destroyed homes, to talking to armed groups, to listening to the men, women and children of the civilian population in order to understand their suffering.

I still remember my first experience in Syria in 2012, when I had a conversation with displaced people in a half-finished, new construction. They told me that, just a few months earlier, there had been real prospects for development in Syria, with a lot of ongoing construction. The contrast between these unfinished buildings on the outskirts of Damascus, Ghouta or Homs as provisional homes for displaced people rather than beacons of hope for the future was stark. And it was emblematic of what the conflict meant for Syrians.

As president of the ICRC, I visit countries at war around the world and, inevitably, I end up comparing the contexts. Two observations from my experience in Syria:

First, the effects of intensive warfare were much more visible from the beginning of the conflict in Syria. In many of the contexts I visit, you don't see the obvious signs of war right away, because combat operations are often not so obvious and fairly limited in location and scope, so you have to look closely to see the impact of armed conflict on people. In Afghanistan, for example, which was my first trip as president, poverty is very visible, but the impact of large-scale warfare is not. Syria is quite different. From my first visit there, in September 2012, the signs and impact of armed conflict were obvious, in terms of destruction of infrastructure, populations displaced, social services disrupted and the increasing difficulty of providing humanitarian assistance.

In terms of the ICRC's operational response, our challenge over time has been to tailor our humanitarian assistance more closely to the needs of the Syrian people. On another visit to the country, in 2017, I met two teachers, who spoke passionately about their communities' needs. They thanked me for the food aid provided by the ICRC but emphasized that what was really important to them

was the schools being able to reopen. This was a clear reminder that listening carefully to populations affected by war to ensure we fully understand their needs must be at the heart of our work. Consequently, we have integrated this priority into the ICRC's new institutional strategy.

Visiting Homs, Eastern Ghouta and other affected neighbourhoods reminded me of the emblematic battles between the government and the opposition, perhaps at a turning point of the humanitarian sector there because of the dimension of needs and the limitations of our response. In March 2018, when I visited Eastern Ghouta during the period of intense shelling, the scene was one of utter destruction. People had been sheltering in basements for weeks with little food, water or medicine. The sick couldn't access treatment, families were going without meals, and all were living in constant fear of the deadly bombs.

My second observation relates to the medical sector. During my many visits to the region, I almost always visit hospitals or clinics. In an illustration of the degree of disrespect for IHL throughout the region, I saw how health clinics have had to be moved underground for protection. The first such clinic I saw, in Mohadamia in Eastern Ghouta, was an early and concerning indication that attacking hospitals was no longer considered a taboo.

What are the main challenges facing the ICRC in terms of its response in Syria?

There are, of course, many challenges. One is that the war is being conducted by all sides in ways that repeatedly violate IHL and the principles of proportionality, precaution and distinction. The result is a massive and deep impact on civilians, and this sheer scale is a challenge for any humanitarian responder.

Yes, there are other crisis situations in the world where, perhaps, the number of people struggling for survival is greater than in Syria, but it is the level of destruction there that makes it extraordinary. People's living standards have decreased enormously from their pre-war levels, as the country's physical infrastructure, but also its social fabric, have been torn apart. There is not a family in Syria that is untouched by this conflict. So, humanitarian actors have to ask themselves: what is the real problem that must be addressed?

The scale of the impact of war and violence is undeniably huge, but there is a moment when the qualitative change in people's way of life becomes more important than issues of size. While humanitarians are used to coping with large numbers of people being displaced – keeping track of their numbers and delivering basic social services – they have faced extra challenges in Syria because of increased system failures.

The health system, for example, is collapsing, and the water, sanitation and education systems are in deep crisis. Families are grieving for loved ones who are missing or have been detained, and children are growing up without ever having known a life without war. Some of the distressing effects of the war on Syria's children reported by ICRC teams include psychological distress, violence and

cruelty, injuries and amputations. These children will require long-term care if they are to recover their physical and mental health. And let us not forget the children and families of foreign fighters, who are also visited by our teams, and who are just as deserving of our humanity.

Another challenge lies in the fact that, from the beginning, this has been one of the most publicized and politicized conflicts in which the ICRC has operated. Consequently, negotiations to carve out a neutral and impartial humanitarian space, in which we can work close to people and deliver the humanitarian assistance they need, have been much more difficult. This is because each and every humanitarian activity in Syria has been directly linked to the political agendas of the actors involved – not just Syrian but also regional and global actors.

From its very early days, this conflict has constituted a major international political crisis with a considerable humanitarian impact and very specific challenges for humanitarian actors: technical, due to the scale of the war and the force of its impact on the Syrian people; communication-related, due to its visibility; and political, due to the unique interconnection of the humanitarian and political issues at stake. Traditional understanding of the separation of neutral, humanitarian and political spaces has been much more difficult to ensure and manage in a context in which the humanitarian issues are simultaneously on the agenda of the UN Security Council and the bilateral meetings of big powers in Geneva and Astana.

We now face the following challenges: the international community will have to answer questions about the long-term reconstruction of Syria and the resulting political ramifications, while humanitarian actors will have to respond to people's urgent needs, helping them live in dignity as they try to get their lives back on track. Their most pressing needs as they attempt to do so cannot wait for political consensus. Therefore, we will work to support people in rebuilding their houses and basic infrastructure, in finding jobs and economic opportunities, in searching for their missing relatives, and in reminding the authorities of their obligations towards their own citizens.

We will have to address the humanitarian consequences of some of the devastating impacts of urban warfare in Syria – just as we would in Mosul, in Saada or in Gaza. Our action will not be motivated by political considerations but will be based on an independent and impartial assessment of the humanitarian needs of individuals and communities.

This brings us to the principles of neutrality, impartiality and independence in humanitarian action. The ICRC has been criticized in the past for operating out of government-held territory. How do you balance the need to engage with the Syrian government on the one hand and the ICRC's Fundamental Principles on the other?

The Fundamental Principles have helped the ICRC remain neutral in its engagement with belligerents, and we have a credible track record in Syria and beyond. At the same time, we have to recognize that not all the actors have been

willing to engage with the ICRC, despite our principled approach of engaging with all sides. Obviously, we were not able to overcome the resistance to engaging with us in all instances.

Where there was no reciprocal desire to engage, we faced a dilemma: either to do what we could with those belligerents that were engaging with us, or opt not to engage at all. In some critical instances and in the interest of saving lives, we decided to continue to work with one side in the absence of a readiness from the other side. But we never gave up either our efforts or our willingness to engage with all sides and to get a “licence to operate” in all places where people were affected by the conflict.

The Syrian crisis also illustrates the legal landscape of humanitarian action today – the Geneva Conventions and UN Resolution 46/182 on “Strengthening the Coordination of Humanitarian Emergency Assistance of the United Nations”, which places humanitarian activities within the context of State sovereignty. Under IHL, there is no unfettered right of access for humanitarian organizations. They must seek and obtain the consent of the State on whose territory they intend to carry out their humanitarian activities.

Sovereignty is the frame within which the international community has decided it wants humanitarian activities to be set. However, IHL strikes a careful balance between parties’ interests and humanitarian imperatives. It is not entirely deferential to State sovereignty when it comes to humanitarian activities. There are circumstances under which consent must be given by the belligerent State to impartial humanitarian organizations – for instance, when basic needs of the population are not met. Yet, the extent of these circumstances needs to be clarified.

Although the ICRC has a mandate to fulfil its mission in a neutral, impartial and independent way, and although that mandate is conferred upon it by the four Geneva Conventions of 1949, by which all States are bound, as an organization we must nevertheless have the consent of a State if we are to operate in its territory and be able to assess the impact of our overall operations where we conduct them in areas outside the control of the government.

As we know, the Geneva Conventions offer the ICRC a licence to engage with all parties to a conflict, including non-State actors in areas not controlled by the State. But in practical terms, while we always strive to obtain the consensus of the parties, the reality is that, often, there is no consensus of the parties.

Theoretically, you can always criticize the construct that humanitarian organizations are not automatically granted unrestricted access, but it’s what the international community has decided. I’m very much aware that there are organizations which have decided to operate in territory held by non-State armed groups without the consent of the Syrian government, that they have operated from neighbouring countries and with a licence from neighbouring countries. We also recognize that the UN Security Council has made efforts to mitigate the problems in deciding on procedures for cross-border operations applicable to UN agencies and implementing partners only. Ultimately, however, none of these efforts has really changed the nature of the challenges under which we are operating today and which leave some populations outside the scope of the ICRC’s humanitarian services.

The last few years have confirmed that the best possible avenue has been to engage with the Syrian government, as, by doing so, we have increasingly been able to do more for all Syrians, including those on the other side of the front lines, gaining access to populations living under the authority and control of armed groups, while maintaining the consent and trust of the Syrian government.

In the last two years, we have considerably increased our operations across front lines – but still not to the extent we would like. In that sense, I do recognize that consensus-building and negotiating across front lines in order to be able to work on both sides is very time-consuming, but it's a concept that very much defines the ICRC, and one which we cannot easily set aside.

The international community has tried to solve this conundrum. In the last fifteen years or so, there has been a lot of discussion around concepts like responsibility to protect and humanitarian intervention, and attempts to define the threshold beyond which States and international organizations would be allowed to respond to important humanitarian crises without the consent of the territorial State. The problem is that these lively discussions have not crystallized into recognized and agreed legal norms, thus illustrating the lack of consensus on this issue within the international community.

The crisis in Syria and the lack of adequate response to the needs of the Syrian people have forced humanitarian actors and political actors to think more about what is fundamentally wrong with the system. While many would agree that the conflict and its impact have taken an unacceptable toll on civilians, there is very little appetite within the international community at the moment to engage openly about other ways of delivering humanitarian assistance in the absence of the consent of the territorial State.

The ICRC does much of its work in Syria in partnership with the Syrian Arab Red Crescent (SARC). Can you explain the roles of the SARC, other National Red Cross and Red Crescent Societies (National Societies) that might be operating in Syria, the International Federation of Red Cross and Red Crescent Societies and the ICRC – especially for those who might be less familiar with the International Red Cross and Red Crescent Movement (the Movement)?

A specific aspect of the situation in Syria was the decision by the Syrian government that the SARC was to be not only an auxiliary of the government but also the coordinator of international humanitarian assistance for Syria. That was a political decision.

One can always question whether it was a wise decision or not, but as a political decision it has shaped the humanitarian reality since the beginning of the conflict. This framework gave the SARC the authority to coordinate all the international assistance coming into the country, including via the UN system, the Movement and NGOs. So, it's not only because we are a member of the Movement that we work in this way with the SARC.

We would certainly, as in any other place in the world, prioritize working with a National Society to the extent that we can. And we would ensure the work is divided up so that the National Society is covering certain needs, while the international component of the Movement is covering certain other important activities. That's generally how we operate in most contexts. But I don't know of any other context in which the National Society, as a Movement partner, has been not only an auxiliary of the government but also the chief coordinator of international humanitarian assistance.

This leaves us with a situation in which a lot of our assistance is delivered in cooperation with the SARC, as is a lot of the UN assistance. In practical terms, there has also been a level of trust established between the ICRC and the SARC, which has meant that the ICRC has been able to work alone in certain instances, as has the SARC on certain issues. This is particularly true in places of detention, for instance, where the SARC is not present.

The role of the SARC as the coordinating body for humanitarian assistance in Syria is part of the complexity and also the special nature of the Syrian situation. In other contexts, sometimes the role of coordinator of humanitarian assistance is assumed by the State or by a State agency, or is left to the UN system. In Syria, we have had to adapt to the particular situation there. In the meantime, the ICRC and the SARC have become mutually dependent: while we cannot operate without the agreement, consent and cooperation of the SARC, the SARC cannot cover the needs of the people without cooperating with the UN system and the Movement.

This poses a series of challenges in terms of who defines what, exactly, neutral and impartial humanitarian assistance is, and raises other questions, such as whether a convoy delivered by the SARC on behalf of the UN is a different convoy, obeying different rules and principles, from a convoy delivered by the SARC with the support of the ICRC.

The war in Syria has witnessed the violation of some of the most basic tenets of IHL, such as attacks on the SARC and other humanitarian organizations, as well as on health care, and the use of chemical weapons. As the guardian of IHL, how can the ICRC respond? As its president, what is your view of this tragic phenomenon?

For some time, the response in Syria has been largely on an emergency basis, so the ICRC has not always been able to carry out its preventive and protective activities to the extent that it would like.

The ICRC's standard approach is always to engage with all weapon bearers in order to train them, review operational activities and combat operations, and, ultimately, improve their behaviour and respect for international law. These positive efforts to ensure that the law is better respected on the ground haven't been progressing as easily and speedily as we would have hoped, given the seriousness of the crisis. Despite this, we have managed to find spaces in which to

engage parties on the subject of respect for IHL. We have been visiting detainees in standard detention facilities, which is clearly important to ensure that they are receiving the protections afforded them under IHL.

We have also been able to contribute to the creation of the National Commission for IHL in Syria, which has become a place to engage with the Syrian armed forces on training and IHL implementation. Regretfully, because of the highly politicized nature of the Syrian conflict, it has never really been possible to make sufficient headway in terms of a strong, broad, consistent and deep engagement on IHL and challenges relating to its protective functions.

What we have seen are questionable military strategies, on all sides, in the light of IHL obligations, as well as disrespect for the principles of distinction, proportionality and precaution. In addition, there has been an insufficient response from all sides in engaging with the ICRC to improve respect. The Syrian conflict is one of the many contexts that illustrate how more respect would result in fewer negative outcomes for people. If the armed actors had, early on, responded more positively to our offers to engage with them to find ways of fighting that would have a less damaging impact on the civilian population, Syria and Syrians would be in a different situation today.

Of course, like many others, I'm particularly disturbed by the obvious use of illegal weapons, including chemical weapons, which have brought a new dimensions to violations of the law in this conflict.

We are now at a critical juncture: the big battles in the heartland of Syria appear to be over, and new possibilities for lives and livelihoods to return to normal are emerging. We now have to reassess the humanitarian needs, to refocus, reshape and ponder anew the priorities of the ICRC's activities, and to focus more on ensuring that IHL, as it applies to those who have been displaced, gone missing or been detained, is adhered to. I'm convinced we are at yet another crossroads, where compliance with IHL, fundamental changes in the behaviour of belligerents and legal protections for the population will have a new significance.

IHL is most often talked about when it is violated, which can lead to the impression that it is never respected and has no impact. In a context like Syria, where the violations of the law are quite high-profile, what impact does IHL have?

It would be wrong – and even dangerous – to believe that IHL is always violated and is therefore useless. Although there are also political, material and credibility costs and benefits that can motivate States to respect IHL, there is an insufficiently communicated truth that the law is also respected because it is the *law*, because it is *right* to respect the norms of IHL and not only because there are sanctions or international accountability mechanisms in the event of failing to do so. It is important to find a better balance in how we interpret and communicate about violations of IHL.

The difficulty is that when you start to overemphasize violations, as you suggested in your question, you are basically delegitimizing IHL because you are focusing only on the violations. On the other hand, if you talk only about instances in which the law is respected, you tend to idealize respect for IHL. So, there is a balance to be found, and that balance needs to be based on accurate analysis of where the law functions, where it doesn't function and what best practice, in terms of making the law function, looks like.

The systematic and widespread violation of IHL in Syria demands a critical review. We have done some interesting work trying to understand what leads to behavioural restraint by armed actors and observation of the rules over time. An important study on the norms of restraint that has just been released emphasizes the importance of engaging with community-based influencers, religious leaders and community leaders in order to reinforce respect for IHL. Communities need to be encouraged to find strategies to influence the behaviour of non-State armed groups, especially when confronted with decentralized armed groups that do not have a clear hierarchy.

There are many ways to broaden the application of IHL, but it won't happen by itself. We need strategies of engagement, encouragement and communication to demonstrate the usefulness of IHL as a practical tool for regulating the behaviour of actors in the particularly delicate situation of war.

In summary, a balanced reading is required, to cut through the general cacophony that comes from looking only at violations. The tendency of the international discussion to focus exclusively on violations, and by extension, very often to limit the issue of respect for the law to criminal accountability after the fact, is a reductionist one. While legal accountability for violations is important, the belief that these rules have ethical, moral and legal standing is important as well.

Too often, we end up debating the wrong issue, and viewing IHL as some abstract, outdated body of law that is somehow irrelevant with regard to new developments in warfare. That's a completely wrong perspective.

The Syrian conflict is emblematic. It crystallizes so many problems, on which we will be working for quite some time, such as normative acceptance, difficulties in implementing the law, and the practicalities of understanding the law. These difficulties are exemplified in the high-visibility events and politics that surround the Syrian conflict, where carving out a neutral space is more challenging than it may be in other places.

What can be done to ensure that civilians are better protected and to alleviate the suffering caused by the war in Syria?

Given the current situation in Syria, I'm more convinced than ever that the ICRC is in a unique position because of its legal, operational and policy mandate. So, in terms of what more we can do, we can ensure that the applicable legal standards are maintained, support practical arrangements to improve respect for the law and create policy engagement which allows for better protection of civilians.

Yet the Syrian conflict cannot be solved by humanitarians. The underlying political dynamics of the conflict caused the humanitarian problems, and the humanitarian response cannot solve those underlying problems.

There is a lack of political will to resolve the power dynamics in Syria, even though the cost of the conflict seems to be slowly entering into political calculations. There is still an oversupply of problems, actors and complexities, and too much fragmentation, all of which makes this conflict particularly difficult. Everything in Syria is always linked to local, national, regional and global politics. This complicates the ICRC's intervention, in that attempting to nudge actors into correct behaviour is more complex than in other situations, where you can eventually manage to grow local initiatives and then prop them up. It's much more difficult in a conflict where what is happening locally is, at the same time, being factored into the political calculations of the big powers and big international institutions.

This situation forces humanitarian actors to work at much more differentiated levels: strengthening local authorities, working with local partners, influencing national partners and trying to align the international community.

The best the ICRC can do as an impartial humanitarian organization is to draw the attention of the international community and all other actors to the enormous humanitarian costs of this conflict and the overall failure of the system to respond. In light of the outrageous and unacceptable costs for civilians, the international community should eventually be able to generate political will and re-energize the political processes to solve some of the underlying issues. Eventually, those international actors who are involved in Syria will come to recognize that continuation of the conflict will cause more problems than its diplomatic settlement. At the moment, we are just in limbo. Right now, in the capital cities of the key actors in Syria, there is a sort of recalculation happening. And that's what creates opportunities.

I can't know what the future looks like. Taking a positive view, perhaps Turkey, Russia, Iran, the United States, Europe, Saudi Arabia and others, including the Syrian State and non-State actors, may suddenly come to the conclusion that there is a prevailing reason to change course. There are ongoing conversations, which may reveal some light on the horizon.

But it is unclear whether these actors will seize these opportunities and recognize that the costs of carrying on are unacceptably high and so encourage political compromise. Have the big battles really come to an end? Are we heading into a situation where front lines are stabilizing, zones of influence are settling, institutions are slowly being rebuilt, political processes are commencing, and there is a prospect of reconciliation? I think it is clear what is in the best interest of both the Syrian population and humanitarian law and principles.

We can only hope that the political actors *will* take advantage of the options on the table. But as humanitarians, we cannot, at the same time, exclude the possibility that this is just a temporary calming down of some of the most extreme military activities and violations of international law.