

they have been undermined. War and its attendant horrors are eroding the entire structure of international cooperation, which, with much difficulty and many setbacks, it has taken us 100 years to put in place.

The most urgent task before us then is to reinforce those foundations on which all human societies stand before we can entertain any thoughts about a reign of peace and justice. Having failed to eradicate the scourge of war, we the peoples of this planet wish first of all to shelter and protect the innocent and despairing victims of war. Thereafter, hopefully, it will be easier to eliminate war itself, and to set out again on the road to Utopia.

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**ADDRESS BY MR. CORNELIO SOMMARUGA,
PRESIDENT OF THE ICRC**

Special Rapporteur

Mr. Federal Councillor,
Mr. President of the *Conseil d'Etat*,
Madam President of the *Grand Conseil*,
Mr. Mayor,
Your Excellencies,
Ladies and Gentlemen,

For how long must war victims cry out for help before they are heard? Given the magnitude of the tragedies we are witnessing today, the initiative taken by the Swiss government to convene this Conference was a measure that was urgent and necessary to reinvest international humanitarian law with its full authority.

The International Committee of the Red Cross is not unaware of the difficulties faced by States wishing to create a more peaceful international order that is also more respectful of fundamental humanitarian values. In this context, I trust that the report submitted by the ICRC will provide useful guidance for your deliberations.

The report focuses on the plight of victims. It speaks out against the violence, horror and savagery that are unleashed when the basic principles of humanity are rejected. And it proposes measures to remedy the situation.

Alas, war is present almost everywhere today. Entire populations are forced to flee, subjected to reprisals, harassed, threatened by famine, or fall victim to indiscriminate bombardments. Women are raped, detainees are tortured, used as bargaining counters, forced to work on the front lines, while many others are summarily executed. Humanitarian organizations are prevented from bringing them aid, when they are not themselves the target of attacks. This weekend, as we were all preparing for the Conference, the ICRC was once again mourning the tragic loss of staff members, two of whom — two nurses — were brutally killed while bringing help to war victims. It is with deep sadness that I tell you this, for not only have we lost two highly valued colleagues, but our very ability to provide protection and assistance to victims is placed in jeopardy.

This intolerable state of affairs represents a serious threat for all of us. How can we not be profoundly disturbed when humanitarian law, the last bastion of human solidarity, is so freely flouted by the very States which, by ratifying it, have undertaken to uphold it? The international community must put an end to these unacceptable practices as a matter of urgency, or else the horrors seen today will slide into absolute chaos. This Conference provides us with the opportunity to take action. The Declaration you will adopt at the end of your discussions must be the expression of your readiness to restore to international humanitarian law its full authority. For, let there be no mistake, what is being called into question today is not the content of this law, but observance of its rules and the willingness of the international community to ensure that they are observed in all circumstances. This universal commitment must be reaffirmed and measures taken to make it perfectly clear to belligerents that they will be held responsible and accountable for their acts before the entire international community.

The ICRC and many other impartial humanitarian organizations, whose admirable work I should like to mention here, have time and again called for a humanitarian mobilization. Unfortunately, so far these appeals have produced only meagre results. So we often had no choice but to carry on, despite all the obstacles in our path, trying to reach and protect the victims without any discrimination. In some conflicts we have been successful. In others, as you know, our efforts have fallen tragically short. The ICRC's report to this Conference analyses the reasons for this. It also puts forward suggestions which I hope will be examined with the greatest attention. In fact, taking the obligations laid down in international humanitarian law seriously and reacting to massive violations of humanitarian principles are more than

a duty towards the victims; they are a prerequisite for building peace and strengthening international security.

To be able to act effectively, their sole concern being to assist and protect conflict victims, humanitarian organizations obviously need a law that is known and respected. They must also be able to operate with total independence and impartiality, particularly if they are working under the protection of the red cross or red crescent emblem.

Indeed, I am firmly convinced that the efficacy and credibility of humanitarian action and the degree to which it is accepted by belligerents are a direct corollary of that independence. It is therefore essential to draw a clear distinction between the role of States in peace-keeping operations and the role of neutral and impartial humanitarian organizations.

Political action and humanitarian action are of course complementary, but each has its own dynamics. The ultimate aim of political action is to address the underlying causes of the dispute between the parties, whereas the primary purpose of humanitarian action is to bring help and protection to the victims. We must bear in mind that any attempt to combine the two in a single approach, or to link them in a single negotiation process, may lead to the politicization of humanitarian action, which will then become hostage to the political and military manoeuvring associated with any conflict.

This does not mean that humanitarian action can do without the political backing of States. It should not, however, be regarded as a means of pursuing political aims; on the contrary, it is politics that should be at the service of the humanitarian cause. In this connection, recent initiatives taken within the United Nations to suppress war crimes deserve to be supported and developed, not only with reference to one specific situation but also with a view to setting up an international tribunal with jurisdiction over all armed conflicts.

International humanitarian law does, as you know, provide for other mechanisms of implementation which offer States a wider range of possibilities for ensuring compliance with the law. For instance, the task of monitoring such compliance may be assigned to Protecting Powers; it may be facilitated by the work of the International Fact-Finding Commission provided for in Protocol I additional to the Geneva Conventions; or recourse may be had to Article 89 of the same Protocol which creates an obligation for States, in the event of serious violations of the law, to act jointly or individually in cooperation with the United Nations and in conformity with the UN Charter. Are these measures not sufficient? Or is there perhaps too little awareness of the way in which they are used? In the momentum created by

this Conference, the ICRC, as stated in its report, intends to conduct consultations with a view to working out and defining means whereby States can fulfil more effectively the undertaking they have made, namely, not only to respect but also to ensure respect for humanitarian law in all circumstances.

Indeed, multilateral contacts on compliance with and development of humanitarian law must be pursued after this Conference. The form and procedures for this dialogue have yet to be decided. Given the commitment of the National Societies, I hope for my part that it will also take place in the autonomous framework of International Conferences of the Red Cross and Red Crescent. In the interval, intermediary procedures may usefully be adopted.

Allow me to express the hope that the Declaration you adopt at the end of your proceedings will go beyond mere statements of intent, which only too often remain a dead letter. I trust that the Declaration will be an assertion of your active solidarity with the victims, without any discrimination, and of your resolve to respond with fresh determination to their cries of distress. I trust also that it will offer a response to the urgent pleas of impartial humanitarian organizations for more effective security guarantees for their delegates.

One hundred and twenty-nine years ago States gathered for the first time, at the initiative of the founder of the Red Cross and of the Swiss Federal Council, to adopt the original Geneva Convention. Today, here in the same city, this Conference should feel that it has inherited a moral duty. A duty that, for the sake of the countless victims of conflict, States can no longer evade. On the contrary, they must place it at the centre of their long-term political concerns and at the very heart of their responsibilities.

Thank you for your attention and for your understanding.

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PROCEEDINGS OF THE CONFERENCE

Principles and rules

Some 120 delegates, including both full participants and observers, took part in the plenary discussions. They made numerous references to the Report on the Protection of War Victims which the ICRC had