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## **Humanitarian action and peace-keeping operations**

**by Cornelio Sommaruga**

It is an honour and a privilege for me to address this Conference devoted to a topic of great importance to the International Committee of the Red Cross (ICRC). As a humanitarian organization, whose mandate it is to provide protection and assistance for victims of armed conflicts and which is operational worldwide, the ICRC has been directly concerned with many peace-keeping missions undertaken by the United Nations.

Let me first point out that maintaining peace is an essential task of the United Nations, and that those organizations — such as the ICRC — which are confronted daily with the horrors of war can only welcome the sustained efforts being made in this domain. Peace-keeping operations are part of this primary mission of the United Nations. They are of particular interest and relevance to us, because they may have a bearing on our action and lead to frequent contacts between our delegates and UN military personnel in the field.

In my address I propose to briefly review the development of peace-keeping and its implications for humanitarian organizations, before identifying some key points regarding the relationship between peace-keeping operations and humanitarian action.

## **The development of United Nations peace-keeping operations**

It seems to me that thus far we have moved through three distinct, but closely related phases of peace-keeping, which have each had different implications for humanitarian action.

### *Traditional peace-keeping*

During the first phase, the UN developed and practised what has become known as traditional peace-keeping, which lays emphasis on consent and cooperation and the non-use of force, except in self-defence. Such missions, which included monitoring or supervising cease-fire or armistice agreements in the context of international armed conflicts, observing frontier lines, acting as a buffer between belligerents and assisting in troop withdrawals, monitoring or even running elections, largely proved to be both distinct from and complementary to humanitarian activities. The ICRC has welcomed the good cooperation and the complementarity achieved in many such successful operations.

### *Expanded peace-keeping and enforcement action*

In the immediate aftermath of the Cold War, a broader, more ambitious notion of peace-keeping emerged. Such operations led to increasing UN engagement in a wide range of intra-State conflicts, as well as involvement in the process of national political reconstruction, including the rehabilitation of collapsed State structures. Some of the tasks assigned to peace-keeping were no longer clearly distinct from humanitarian action, for example in contexts where they included ensuring the delivery of humanitarian relief supplies. In some cases the blurring of responsibilities was compounded by the fact that the political objectives of peace-keeping and peace-enforcement were unclear and their mandates ill-defined.

The ICRC saw the danger of humanitarian efforts becoming integrated into a political process and of their becoming politicized themselves. It thus became necessary to reaffirm that political efforts at conflict resolution and the requisite military support must be clearly separated from humanitarian action, which cannot be subordinated to the political aims of peace-keeping operations. This is why the ICRC has strongly advocated the creation of a humanitarian space, thereby emphasizing the need to leave room for independent humanitarian action in situations of conflict.

I should also point out that in implementing broader mandates in situations of armed conflict, United Nations forces have been faced with entirely new problems, such as those related to methods and means of

combat, detention of prisoners and protection of the civilian population. The question of applicability of international humanitarian law to peace-keeping forces has thus become extremely topical. It has spurred the ICRC and the UN Secretariat, in close consultation and collaboration with each other, and with the advice of former commanders of UN peace-keeping missions, into drafting guidelines for UN military missions. These are founded on the basic tenets of international humanitarian law and should make up for the perceived legal problems arising from the fact that the United Nations are not party to the Geneva Conventions and their Additional Protocols.

I discussed these guidelines last year with the former Secretary-General, who found them most valuable. I recently brought up the same issue with the new Secretary-General, who is extremely supportive in this matter, as he already was in his former position as head of the UN Department of Peace-keeping Operations. I am therefore confident that these rules, entitled *Directives on International Humanitarian Law for the United Nations Forces*, will soon be issued to United Nations troops. We are very pleased to have contributed to this effort, because we are convinced that exemplary behaviour on the part of soldiers recruited for UN missions is essential in reinforcing the credibility and efficiency of those missions.

### *Reduced ambition for peace-keeping*

There are now signs that the UN is entering yet another phase of peace-keeping, a phase marked by reduced political will and a general mood of retrenchment. It seems that the experiences in Mogadishu, Kigali and Srebrenica have dampened the enthusiasm of Member States for UN peace-keeping. I hope that these signs of retrenchment are a passing phenomenon, an interregnum marking the present period of uncertainty, because the role of the United Nations in ensuring respect for international law, and thus preserving or restoring peace, remains crucial. But as an immediate consequence of the current reduced ambition for peace-keeping, one of the major challenges facing humanitarian organizations today is the tendency to use humanitarian assistance as a substitute for political action.

This lack of commitment for peace efforts has given rise to a spiral of violence and callous disregard for the lives of non-combatants and has restricted the latitude for humanitarian activity. In the absence of decisive political action, our work has become more hazardous and in some conflict situations has even reached a near standstill, in spite of all our efforts.

The tragic dimension of a growing disregard for the humanitarian ethos was brought home to us by the cold-blooded assassination of three ICRC delegates in Burundi last June and again by the horrific events that took place in Novye Atagi, Chechnya, on 17 December, in the compound of an ICRC field hospital: five nurses and a delegate were murdered in their sleep, in a cowardly attack by a commando of masked men using guns fitted with silencers. More recently still, medical staff of the organization *Médecins du Monde* and UN human rights monitors were murdered in Rwanda.

In view of such barbaric acts, the question may be asked whether humanitarian organizations have any choice but to place their operations under military protection. This is not the first time such a question has been raised. The ICRC was already confronted with the problem in Somalia when, faced with the urgent needs of hundreds of thousands of starving civilians, it had to take the exceptional decision to place its convoys under the protection of armed militias. That experience taught us, however, that such arrangements have serious drawbacks in the long term. Indeed, if we were to resort to such measures on a more general scale, humanitarian action would lose the neutrality and impartiality it must preserve in order to be able to operate in aid of all victims. Using armed guards to protect ICRC premises against banditry has, however, become ineluctable in some cases.

### **Characteristics of humanitarian action**

At this juncture, I would like to emphasize my concern about the indiscriminate use of the term "humanitarian". Indeed, much of today's international response to a conflict is labelled "humanitarian". Such broad use of the word "humanitarian" may blur perception of the distinct character of humanitarian operations, which require, especially in situations of conflict, scrupulous respect for and adherence to a number of basic principles. These include in particular the principles of humanity, impartiality and neutrality, which form part of the Fundamental Principles of the International Red Cross and Red Crescent Movement. Those principles are increasingly referred to in UN resolutions and in the context of UN humanitarian and peace-keeping operations. That is why I feel it is important to reach a consensus on what they imply. Allow me therefore to briefly examine their content and meaning.

#### *Humanity*

Civilians have a fundamental right under international humanitarian law to be protected from attack, torture and other violations of their

physical and moral integrity. The term humanitarian, as used in international humanitarian law, gives rights to and confers obligations on those concerned by armed conflict, that is, primarily, the parties to the conflict and the victims, but also third States and international and non-governmental organizations. The law emphasizes the right of the victims to receive humanitarian assistance. The corresponding duty upon the State in which the conflict is taking place is to agree to a relief action which is humanitarian and impartial in nature and whose purpose it is to provide aid essential for the survival of the civilian population, such as food and medical supplies.

Those basic premises entail two major consequences: first, humanitarian assistance must not comprise any element that could contribute to the military effort, and second, the distribution of aid must be prompted by the sole criterion of need. In other words humanitarian action simply seeks to relieve suffering and to introduce into situations of conflict fundamental values of humanity, such as respect for life and human dignity.

Humanitarian action, by its very nature, can never be coercive. The use of force against the will of parties to a conflict — even for valid humanitarian reasons, for instance to ensure the delivery of humanitarian assistance — would necessarily turn humanitarian action into a military operation.

I should stress that the mere threat of the use of force aimed at facilitating humanitarian work can jeopardize humanitarian action, in particular since such a threat cannot be maintained indefinitely. Indeed, it causes the military operation to lose credibility while at the same time hampering efforts to provide humanitarian aid on the basis of consensus between parties.

### *Impartiality*

Impartiality is the corollary of the principle of humanity with regard to human suffering, and can be defined as not making any discrimination based on race, nationality, religion, political opinions or any other similar criteria. The ICRC, along with other humanitarian organizations, endeavours to relieve the suffering of individuals, giving priority to the most urgent cases and needs. In practical terms, impartiality does not necessarily mean equality of treatment. It implies providing to individuals what is considered appropriate to cover their basic needs.

Without impartiality, confidence may be lost and it generally becomes difficult to rely on continued cooperation between the parties. Impartiality

is therefore as much a matter of practice as of perception, and may be challenged daily by any of the parties involved.

Non-discrimination as the basic component of impartiality is hard, if not impossible, to ensure in situations where enforcement measures, such as the imposition of economic sanctions or even recourse to military force, are taken. In such situations it is particularly vital to maintain a clear distinction and to avoid close association between military forces and humanitarian organizations, mainly in order to allay any suspicion of complicity.

### *Neutrality*

Neutrality implies not taking sides in hostilities, or engaging at any time in controversies of a political, religious or ideological nature. For the ICRC neutrality is by no means tantamount to indifference or passivity. Indeed, the ICRC is never neutral when it comes to human suffering.

Neutrality is not an end in itself, but a means to an end. Its basic purpose is to secure the confidence of all parties to a conflict, and thus to ensure unimpeded access to all victims. Neutrality therefore implies not being in any way connected with the dispute giving rise to the conflict, or with any elements that may be construed as being associated with it. Neutrality also means abstaining from any interference, whether direct or indirect, in ongoing military operations.

By its very nature, the UN Security Council cannot be neutral. Its principal task is to maintain or restore international peace and security, and that task is in essence a political one. Whereas humanitarian protection and assistance have to be provided without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the warring parties, the decision to engage in peace-keeping operations is primarily aimed at maintaining and/or restoring international peace and security, as perceived by the Security Council.

### *Independence*

Only by remaining independent can the ICRC serve the interests of *all* victims and succeed in fulfilling its role of a neutral intermediary in humanitarian matters, a role that was conferred on it by the international community. I should mention here that it was surely thanks to its independence that the ICRC was able to gain access and render humanitarian services to members of peace-keeping forces held in captivity in Somalia and in Bosnia.

That being said, the ICRC's independence should not be understood as a retreat into isolation. In fact, the ICRC considers it vital for organizations to harmonize their operations in the field, in a spirit of complementarity. I am fully aware that the multiplicity of humanitarian agencies may create a certain amount of confusion and that coordination efforts need to be strengthened. I myself generally address this issue — when participating in UN fora and discussions — as a very interested outsider!

### **The relationship and cooperation between peace-keeping and humanitarian action**

After this rapid review of the development of peace-keeping and my brief outline of four cardinal principles of the Red Cross and Red Crescent, I would like to emphasize what I consider to be key points for governing the relationship and cooperation between peace-keeping and humanitarian operations.

1. UN military missions are an essential component of successful conflict management; in certain anarchic situations they may prove indispensable in securing respect for international humanitarian law and thus restoring the necessary security environment for the conduct of humanitarian activities. That being said, peace-keeping, and especially peace-enforcement operations, should be clearly distinct in character from humanitarian activities. Military forces should not be directly involved in humanitarian action, as this would associate humanitarian organizations, in the minds of the authorities and the population, with political or military objectives which go beyond humanitarian concerns.
2. Humanitarian action is not designed to resolve conflict but to protect human dignity and to save lives. It should move in parallel with a political process aimed at addressing the underlying causes of a conflict and achieving a political settlement. It should not become a tool designed to mask the absence of resolve to take appropriate political action, or to compensate for its inadequacy. There is no substitute for the political will to find a political solution. Such political commitment is essential if peace-keeping and humanitarian action are to remain effective. This was one of the important lessons of the Rwanda genocide in 1994. It was not a new lesson, and one we learned in Somalia, Liberia and the former Yugoslavia as well.
3. Humanitarian institutions working in situations of armed conflict need to preserve the strictly non-political and impartial character of their

mission. The provision of humanitarian assistance must not be linked to progress in political negotiations, or to other political objectives. This would ultimately lead to an unacceptable distinction between "good" or "deserving" and "bad" or "undeserving" victims. Humanitarian aid and political action must not only be dissociated from each other, they must also be perceived as truly separate. Humanitarian organizations should adhere to a code of conduct, such as the one drafted by the Red Cross and some major NGOs and adopted by some 80 institutions, in order to avoid competition and diverging approaches in their operations, which may jeopardize the achievement of humanitarian objectives.

4. Without ignoring the importance of achieving greater overall coherence in operations conducted at different levels in conflict situations, humanitarian agencies must maintain their total independence of decision and action, while consulting closely with peace-keeping forces at every phase and at every level, in a spirit of complementarity. Consultations should be held already in the preparatory phase of peace-keeping missions which may affect humanitarian activities, particularly when the purpose of those missions is to create safe corridors for the delivery of humanitarian assistance. In the course of operations, a regular exchange of information about the ways in which the respective mandates are being fulfilled should take place, both in the field and at headquarters level. This should help to enhance mutual respect and understanding of each other's missions and constraints. Peace-keeping forces may play a crucial role in sharing situation analyses with humanitarian agencies, especially on questions related to security.
5. When humanitarian activities are deadlocked, in spite of the numerous means of implementation provided for in international humanitarian law and efforts of persuasion made at all levels, and if the Security Council opts for armed intervention, the Council's decision should, in my view, form part of a consistent and comprehensive plan of action aimed at restoring peace, taking into consideration not only humanitarian concerns but also political problems. As a first step it could seek to restore the conditions needed to conduct humanitarian activities, but the political nature and consequences of any such intervention should be clearly assessed, as should their relation to efforts made to ensure respect for international law.
6. It is also of paramount importance that the forces sent to serve under the UN flag include in their preparatory training detailed instruction

in international humanitarian law. The ICRC is ever-willing to contribute to these efforts to ensure knowledge of and respect for international humanitarian law by training instructors and making available teaching aids it has developed.

In closing, I should like to touch upon an issue which I feel merits special attention and which I would call the imperative of preventive action.

### **Imperative of preventive action**

It is a truism that the best alternative to intervention is prevention, and I strongly believe that the international community needs to invest a great deal more in preventive measures. Indeed, such measures can potentially save thousands of lives and prevent widespread destruction; what is more, they cost far less than any peace-keeping or humanitarian relief operation. As the former UN Secretary-General stated, "preventive diplomacy is the most important issue facing us today... It would cost about 1 per cent of what we are paying after a conflict escalates".

The challenge of preventive action is to find ways of ensuring that competition for power and resources does not plunge entire communities into a maelstrom of violence. It is to build patterns of development, institutions, political cultures and ethical values. We must foster a culture of respect for basic human values. We must call on the community of States to address the crucial problem of the transfer of conventional weapons.

This challenge goes far beyond the capacity of the International Red Cross and Red Crescent Movement, even though National Societies play a valuable role at the national level in addressing some of the root causes of conflict. As for the ICRC, its work in the field of prevention is focused mainly on spreading knowledge of the humanitarian principles, and in particular promoting awareness of and respect for international humanitarian law.

It is my sincere wish that through concerted and collective efforts, based on a clear distinction between our respective mandates and roles, we will become more successful in preventing violence and conflict.