

Keynote address by CORNELIO SOMMARUGA President of the International Committee of the Red Cross

International humanitarian law on the threshold of the third millennium

The 27th International Conference of the Red Cross and Red Crescent opens halfway between two symbolic dates.

A few weeks ago, we celebrated the fiftieth anniversary of the Geneva Conventions. In a few weeks' time, we shall enter a new century and a new millennium.

These two events must prompt us to look back at the past, in order to learn the lessons it offers; even more, they must prompt us to turn towards the future, in order to gain a better understanding of the promises it holds and the dangers that lie ahead.

Let us first take a look at the past.

The adoption of the new Geneva Conventions of 12 August 1949 was a remarkable step forward in humanitarian terms, especially in view of the approval of a new Convention protecting civilians in time of war. It was also a political achievement of the highest order for, with the blockade of Berlin and civil war in China, the world seemed more divided than ever. And yet, despite these divisions, the States succeeded in rallying around the red cross and red crescent emblems, and adopted new regulations for the protection of war victims.

While the new Geneva Conventions saved millions of lives, the division of the world into two antagonistic blocs all too often hindered respect for humanitarian law during the tragic conflicts spawned by the Cold War.

We need to remember this and rid ourselves of the mistaken idea that things used to be easier. The obstacles were different, but they were no less real than those that are facing us today.

The Cold War ended ten years ago with the pulling-down of the Berlin Wall. There is no reason to regret that period, in which humankind lived under the constant threat of its own annihilation.

But we do have to acknowledge that the ending of the Cold War did not bring the universal peace that the world's peoples had been hoping for. While political settlements were found for several major conflicts in Central America, South-East Asia and southern Africa, other conflicts have persisted as endogenous factors took over from the former ideological con-

frontation. But above all, the ending of the Cold War unleashed tension and hatred which have culminated in exceptionally violent conflicts, especially in the Balkans, the Caucasus and Central Asia.

The world has admittedly overcome its former divisions and is bound tightly together in an increasingly dense network of exchanges, thanks to the extraordinary development of transport and communications media. In spite of this, we are seeing a rise in demands based on the assertion of identity, leading all too often to intolerance, to exclusion, to war — and sometimes to the extreme form of intolerance we thought had been banished for good: genocide.

The international community and humanitarian agencies are more and more often confronted with situations marked by a proliferation of actors of violence, the complete collapse of State structures and the ever-closer intertwining of political and criminal activity. And although the needs of the victims are perhaps greater than they have ever been before, the work of humanitarian organizations is frequently paralysed by lack of security. In recent years the International Committee of the Red Cross, like other institutions, has paid a very high price for its determination to come to the aid of victims of conflict in spite of today's increasingly chaotic environment. Here I wish to pay tribute to our delegates, our locally recruited staff and the first-aid workers from National Red Cross and Red Crescent Societies who have lost their lives in the course of their humanitarian duties. I would also like to express my solidarity with all the other humanitarian agencies that have been the victims of aggression.

Kidnappings, assaults, murders — sadly, such tragic events reflect a growing disdain for international humanitarian law, for the protective emblem and for the dignity of the human being.

Indeed, day after day the ICRC is faced with serious and repeated violations of humanitarian law.

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There is not enough time here to review the different conflict areas in which the ICRC is at work. Suffice it to say that our delegates are currently present in over fifty countries racked by war, civil war or other forms of violence, in Africa, the Middle East, Asia, Latin America and Europe. This figure alone gives an idea of the number of conflicts raging in the world

today and of the scale of the needs of the wounded, of prisoners and of civilian victims of hostilities.

In defining the features common to all these conflicts I see five issues of particular concern, which I would like to bring to your attention.

The first is the plight of the civilian population. Civilians are all too often deliberately picked out as targets. The aim of war is no longer merely to achieve military victory, but rather to change the ethnic make-up of the territory being fought over by directing hostilities against the civilian population. Civilians are deliberately attacked — either to force them to flee, or to eliminate them. The recent events in Croatia, Bosnia-Herzegovina, Rwanda, Kosovo and East Timor are fresh in all our memories. Such a trend undermines the foundations of humanitarian law.

But the threat extends further still: it is the very foundations of human coexistence that are jeopardized by ethnic cleansing and genocide. In the face of such policies the international community was duty-bound to react. And it did so. With varying degrees of success, it is true, and often confusing political considerations with humanitarian concerns. The second issue has to do with anti-personnel mines — a topic that was already discussed thoroughly at previous conferences. Nonetheless, the President of the International Committee of the Red Cross must speak out against weapons that strike without discrimination, that maim their victims for life, and that continue to cause casualties long after hostilities have ended. The adoption of the Ottawa Convention was a victory in the struggle against these treacherous weapons. But the Convention still has to be universally ratified — so far only 89 States are bound by the treaty. And its provisions still have to be respected. We need to mobilize once again if we are to achieve these goals.

The third issue has to do with the trade in light weapons, which cause unspeakable suffering and destabilize countries into which weapons flow without any control. Exporting States and firms need to remember that they share responsibility with the combatants for the use made of such arms.

I would like to draw special attention to the plight of innocent victims, particularly children caught up in the turmoil of war. I am thinking of child soldiers, of all those children who are sometimes forcibly enrolled and often sent on the most perilous missions as they cannot measure the danger involved. Many are killed or mutilated. All are deprived of their child-

hood, which is annihilated in the horror of combat. But we must also denounce the assaults made on children — the murders, the rapes and the violence that no argument can possibly justify.

Finally, like that of children, the suffering of women concerns us, and here I wish to highlight the ICRC's commitment to devote particular attention to the plight of the women who are victims of armed conflicts, in all its activities — in its dissemination programmes, its protection work and its relief programmes. This is a solemn undertaking which the ICRC has asked me to express before this Conference.

And now, if we turn towards the future, we are forced to admit that we do not yet see the emergence of a new international order. Ten years ago the world entered a period of transition and instability, which has given rise to new conflicts.

There is every reason to believe that, in the years to come, these conflicts will cause even more victims than in the past, if only because of demographic growth, the increased vulnerability of population groups as a result of urban development, the deterioration of the natural environment and above all the proliferation of weapons of all kinds.

All the analyses conducted so far indicate that internal conflicts will be far more numerous than conflicts between States. As a consequence of the disappearance of bipolar rivalry, future conflicts — whether international or internal — will no doubt involve a much greater number of perpetrators of violence, leading in some cases to the complete collapse of State structures.

Whatever the outlook, we cannot — indeed, we must not — allow ourselves to give way to pessimism or to resignation in the face of the difficulties which appear to lie ahead. On the contrary, we need to act.

That is why the International Red Cross and Red Crescent Movement is putting forward a plan of action designed in particular to strengthen respect for humanitarian law and, thereby, to enhance the protection of war victims. This plan is based on the conviction — born of experience — that if we want to achieve effective results, we must seek to contain violence, rather than react when confronted with a mounting tide of wanton violence.

You are all familiar with this plan of action. The measures proposed require universal recognition of the humanitarian law treaties, the incorporation of these treaties in the domestic legislation of States, the adop-

tion of various mechanisms to ensure that those who must respect humanitarian law are well informed of its provisions, and finally, efforts to prevent and repress violations of the law.

The international community recently gave itself the means of ensuring repression at the international level, by establishing the International Criminal Tribunals for the former Yugoslavia and for Rwanda and by adopting the Statute of the International Criminal Court, which marks a decisive step forward in this field. All those who might be tempted to violate the rules of humanitarian law will know from now on that perpetrators of crimes may have to answer for their acts.

Finally, we must bear in mind that, by adhering to the Geneva Conventions, States have committed themselves not only to respecting these Conventions but also to ensuring compliance with their provisions under all circumstances. Hence all members of the international community have undertaken to see to it that these treaties are universally respected, and to this end to employ all the means at their disposal — diplomatic pressure, pressure within the framework of international organizations, and economic pressure, insofar as exceptions are made in favour of the most vulnerable population groups.

Does this obligation go so far as to authorize the use of force? International humanitarian law does not provide for this, but nor does it rule it out. This is an issue that needs to be resolved in the light of the provisions of the United Nations Charter.

As the consultation of over 20,000 victims of war carried out by the ICRC over recent months has shown, everyone — and I mean everyone — is aware of the need for rules that limit violence in war, even if ideas differ as to the content of these rules.

What war victims and humanitarian organizations expect from governments is not that they should substitute for humanitarian agencies by setting up their own relief operations, but that they should see to it that the rules to which they have subscribed are respected. It is up to the States to ensure that there is universal compliance with the treaties to which they are party, and it is by doing this that they can make a decisive contribution to the protection of the victims of war.

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These victims have placed their trust in us. The 27th International Conference of the Red Cross and Red Crescent must send a clear message to the world that there is a need to restore respect for humanitarian law.

Human beings and respect for human dignity must be placed back at the heart of political thinking and decision-making, for human beings are still the main concern of both States and the international community.

We need to open our hearts and heed the appeals of the victims. We need to listen to what they have to say and give them the assistance they need. We need to afford them the protection which their situation demands — basing our action wherever we can on the Geneva Conventions, and going beyond them when necessary. We need to promote greater tolerance and true solidarity.

“No matter what their intrinsic value and significance, texts rely for their application on the action of men,” wrote Dr Marcel Junod, an ICRC delegate, who worked on all continents. And he added:

“Again and again on the missions which took me to many theatres of war, I had the lively impression that I too was a combatant engaged in battle.

A battle must be waged against all those who violate, or neglect, or know nothing of, the provisions of these Conventions. A battle must be waged for their proper application and for their extension. And if the texts should prove imperfect then a battle must be waged to secure recognition for their spirit.

Whoever accepts such a mission is in no way exempt from the risks of battle, but he must become blind and deaf to the reasons why it is being waged.

There are never more than two adversaries engaged in battle. But these adversaries are apt to find that suddenly in their midst is a third combatant — a warrior without weapons.”

These warriors without weapons are the ICRC delegates who venture out between the lines to organize an exchange of prisoners or to deliver relief supplies. They are the Red Cross or Red Crescent first-aid workers who are prepared to risk their lives in order to help those who suffer. But the term also applies to each one of us, meeting at this Conference under the red cross and red crescent emblems.

The victims of war have placed their hopes in us. We must live up to their expectations.

