

Contemporary Challenges for the International Humanitarian Law

Conference on the occasion of the anniversaries
of the ICRC and the International Humanitarian Law
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Keynote Speech of Ambassador Jean-François Paroz

Thank you, Mr. Secretary of State, for inviting me to this important conference.

Back in 2011, I had the privilege of getting closely acquainted with the Red Cross and Red Crescent Movement. My mission as Commissioner of the 31st international Conference of the Red Cross and Red Crescent was an important professional experience.

In 2013 and 2014 the world is commemorating 150 years of humanitarian action. The commemoration includes the anniversary of three different events:

1. First, the establishment of an international committee for relief to the wounded by five Swiss citizens in February of 1863. This institution was to become “the International Committee of the Red Cross (ICRC)” in 1875.
2. Second, the holding, in October of 1863, of the first international conference that led to the creation of the National Red Cross and Red Crescent Societies.
3. And lastly, the elaboration of the First Geneva convention on the 22nd of August in 1864.

A commemoration is an opportunity to remember the past. But it is of greater use if it also tells us about the world in which we are living today. In the second half of the 19th century, at the time when the Red Cross and Red Crescent Movement was taking its roots, the world was dominated by several great empires: among others the British Empire, the French Empire, the Austrian-Hungarian Habsburg Empire, the Russian Empire and the Japanese Empire. None of those empires exist anymore, but the International Movement of the Red Cross and Red Crescent still does, because it is still necessary and useful. It constitutes today one of the basic features of our civilization for addressing the consequences of wars and natural and human disasters.

It was in June 1859 when a young Swiss businessman, Henri Dunant travelled through the Lombardy in Italy hoping to meet the French emperor Napoleon III. By coincidence, on the 24th of June in 1859 Dunant came across the battlefield of Solferino where the French army had just fought a relentless battle against the Austrian and Hungarian armies. Over 35 000 wounded were still lying on the battlefield not getting any cure. Shocked by the suffering of so many people, Dunant, with the help of local women, established an improvised hospital for the wounded in the church of the city of Castiglione. This horrible encounter was the key moment for Dunant’s idea. Three years later, in 1862, he published “A memory of Solferino” where he described his horrific experience and proposed two concrete ideas:

1. First, that there is the need for the foundation of national, volunteer societies that would be able to provide the wounded with sufficient and immediate help not only in times of war, but also in other troubling times as for example in epidemics and natural disasters.
2. That there must be an international agreement and convention on the issue signed by states.

With those two ideas Dunant laid the foundation for the establishment of the National Red Cross and Red Crescent Societies and of the First Geneva Convention.

The Convention for the Amelioration of the Condition of the Wounded in Armies in the Field was adopted on the 22nd of August 1864 in Geneva. The main principles laid down in the Convention and maintained by the later Geneva Conventions are:

- the relief to the wounded without any distinction as to nationality;
- the neutrality (inviolability) of medical personnel and medical establishments and units;
- and the distinctive sign of the red cross on a white ground.

One man's initiative has become a movement of global relevance where all countries are playing an important role. Today, 196 countries have ratified the Geneva Conventions. The ICRC with its more than 12 000 workers worldwide forms a central pillar of the effort of humanity to fight against humanitarian crisis. The International Federation of the Red Cross and Red Crescent Societies and the National Red Cross and Red Crescent societies in 189 countries, with their more than 13 million volunteers, is another pillar of the Movement.

The specificity of the Red Cross and Red Crescent Movement is that it is based on national societies of volunteers all over the world. Contrary to almost all other humanitarian organizations, the Red Cross and Red Crescent Movement has or should have, the potential to rely, in its operation, on local staff and volunteers who know the culture, the beliefs and the social structure of the affected populations. In my view, the strengthening of the national societies is and remains the main instrument that enables the Movement to adapt constantly to local conditions.

But the Movement has also to continuously adapt to new conditions and challenges. Let me mention three developments and one challenge here.

Firstly, warfare has changed a lot since the battle of Solferino and the adoption of the first Geneva Convention. New weapons and new technologies have increased its destructive power. Warfare is no longer conducted on clearly defined battlefields. All too often war is waged in inhabited areas. The parties in armed conflicts have also changed. Traditional warfare between States' armed forces is an exception now. Almost all modern armed conflicts are internal, asymmetric and involve non-state actors.

Civilians suffer gravely from this development. Nearly all armed conflicts are total wars, in which the distinction between military and civilian personnel becomes hazy. As a consequence, the number of casualties among civilians is nowadays much higher than among combatants. Today the battlefields are in Gaza, Aleppo, Kobane, Mosul, Lugansk, Donetsk and in other densely populated areas. Nowadays, the main victims of armed conflicts are civilians.

Secondly, the International Humanitarian Law (IHL) has not remained frozen since the first Geneva Convention. Great developments have come about in successive steps. The Hague Conventions, the 1949 Geneva Conventions and their three additional protocols have created a very detailed legal framework for the conduct of hostilities and for the protection of the "victims of war", that is those who do not take (or no longer take) part in hostilities. The prohibition of specific weapons, such as biological and chemical weapons, fragmentations weapons or antipersonnel mines has also added to the legal framework. Furthermore, there has been progress in the dissemination of IHL and in the international criminal justice.

Thirdly, contemporary IHL presents a number of weaknesses in terms of content, but it remains largely adequate. There is a legitimate debate on adapting IHL to the new realities of armed conflicts. There are ongoing debates, for instance concerning new types of

weapons, the rules of detention in armed conflicts, the possible conduct of hostilities in cyberspace, and a number of other topics. Debate regarding the adaptation of law to the changing reality is normal. But the dominant view is that IHL remains an adequate legal framework for regulating the conduct of military operations and for protecting civilian populations.

Thus, the most important challenge is not a normative one. The most pressing issue is insufficient respect for the existing rules. In contemporary armed conflicts, serious violations of IHL are committed, both by regular armed forces and by non-state armed groups. In the battlefield, this lack of respect for IHL is clearly the most serious problem and one of the most critical humanitarian challenges.

The 196 states parties to the Geneva Conventions lend IHL universal validity. But the lack of respect for IHL may, over time, affect its credibility and progressively erode its validity. Like water on rock, isolated violations of IHL do not have a serious impact on it, but repeated serious violations will eventually erode its validity and credibility.

In other words, what we most urgently need is not new rules, or different rules, but a better respect for the rules that already exist.

Against this backdrop, Switzerland and the International Committee of the Red Cross (ICRC) are facilitating multilateral consultations on the creation of effective mechanisms to strengthen compliance with international humanitarian law. At the end of 2011, the 31st International Conference of the Red Cross and Red Crescent adopted Resolution 1 on strengthening legal protection for victims of armed conflicts. It stresses that greater compliance with international humanitarian law is an indispensable prerequisite for improving the situation of victims of armed conflicts. There is a lack of effective international mechanisms to ensure compliance with IHL and prevent further violations. The creation of mechanisms for greater compliance with IHL is, therefore, a key humanitarian challenge. The means identified in the consultations will be submitted by the ICRC and Switzerland to the 32nd International Conference of the Red Cross and Red Crescent in late 2015. We strongly hope that the International Conference will take action in this regard.

I am also particularly pleased that we celebrate this anniversary here in Hungary. As part of the Habsburg Empire, Hungary participated in the battle of Solferino and therefore has a special role in the origin of the Red Cross Movement. Also nowadays it has a special role as Budapest hosts the Europe Zone office of the IFRC.

Let me briefly mention here three events that were organized in the last 13 months to celebrate 150 years of humanitarian actions in Budapest.

On the 29th of November 2013, an international expert meeting took place at the Andrássy University of Budapest on the topic “International humanitarian law – newest developments”.

On the 7th of March 2014, a “Day of Humanitarian Action” was organized with the support of the French Embassy at the Lycée Kölcsey of Budapest for the students of several secondary schools in Hungary. It took the form of a contest in which the students had to prepare for a press briefing on a humanitarian action in a fictional country. The Europe Zone Office and the regional representations of the UNHCR and of the IOM participated in the training of the students and in the selection of the winners. The four young winners were rewarded with a visit to Geneva, where they were hosted by the Geneva Red Cross society.

Finally, on the 20th of June, the world premiere of a documentary film on the Swiss Vice-Consul Carl Lutz, presented in the wonderful Urania cinema of Budapest, gave us opportunity to pay tribute to the foreign diplomats who, in 1944, saved several thousand people from the Holocaust. 70 years ago, in a world of total moral collapse, these Righteous

among the Nations upheld human values. Among them was also the head of the delegation of the ICRC in Hungary, Friedrich Born. A representative of the ICRC in Geneva, Jean-Luc Blondel, joined the participating embassies (Italy, Poland, Portugal, Spain, Sweden, the Holy See and Switzerland) on this occasion.

As we celebrate 150 years of humanitarian action, the example of what has been done by the representatives of the Red Cross and of the Hungarian Red Cross in Budapest deserves a special respect. I am thus looking forward to the opening of the photo exhibition "Homage to the members of the Red Cross and the doctors of World War II" at the beginning of this afternoon.

Next february, Budapest hosts a regional consultation in view of the World Humanitarian Summit taking place in Istanbul in 2016. This will give further opportunities for the friends of humanitarian action in Budapest to meet with the Europe Zone Office, the Hungarian Red Cross and our Hungarian official partners.

I thank you for your attention and wish you a successful Conference!