



**Permanent Council of the
Organization for Security and Co-operation in Europe
(OSCE)**

Keynote address by

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Vienna, 30 January 2014

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Mr. Chairman, distinguished Minister(s), Excellencies,

Thank you for the kind invitation to address the Permanent Council of the Organization for Security and Co-operation in Europe. As you know, over the years the International Committee of the Red Cross (ICRC) and the OSCE have developed a strong and close relationship, both at field and headquarters levels. It is thus with great pleasure that I take part in this session.

The OSCE and the ICRC have **different mandates** and responsibilities. For the **OSCE**, security and cooperation on early warning, conflict prevention, crisis management and post-conflict rehabilitation is at the heart of what remains the world's largest security-oriented intergovernmental organization.

The **ICRC** is an impartial, neutral and independent organization whose exclusively humanitarian mandate is to protect the lives and dignity of victims of armed conflict and other situations of violence of to provide them with assistance.

It is equally important to recognize where both of our organizations meet. Our main objectives are related to the protection of human dignity.

The OSCE is engaged in the promotion of human rights, freedom of the press and fair elections. The ICRC endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

I must recall the specifically neutral and independent nature of the ICRC, which is integral to its identity, and the principle of confidentiality, which means that the ICRC is strongly committed to confidential, bilateral dialogue as its first course of action. While this rule prevents us from sharing specific information in critical areas of our protection activities with third parties – I think of our visits to places of detention or our dialogue on conduct of hostilities with armed forces - this does not stop us from informing third parties about our programmes and activities and raising awareness among the international community about the tragedies experienced by victims.

In other words, although we favour the bilateral, confidential dialogue, this does not mean that we do not raise humanitarian matters that concern the collective community of States. It is above all these elements that allow us to have the best possible access to conflict victims. In 2008, the ICRC was able to respond immediately – certainly owing to recognition and acceptance of its neutrality and independence – to the humanitarian needs arising from the conflict in connection with South Ossetia, including in South Ossetia itself. Today, it continues its efforts to alleviate the suffering of the people affected by that conflict and its consequences, in addition to the victims of other more active and mediatised situations, like in Syria, Afghanistan, and the Democratic Republic of the Congo.

Mr. Chairman, allow me to give you an **overview of the geographical contexts** where the respective mandates of the OSCE and ICRC overlap. I shall then further develop on some issues that I believe are of mutual concern to our respective organizations.

Despite the lack of media attention to what might be termed ‘forgotten crises’, we continue to be active in a number of OSCE member States in relation to situations of armed conflict or



violence. Given the absence of other humanitarian actors, I must say it is often feels a somewhat lonely task to provide a humanitarian response in many of the countries of interest to the OSCE. The intensity of these crises is fortunately much less than in the past, but the humanitarian consequences have yet to be fully resolved.

The ICRC has worked in Armenia and Azerbaijan, for example, since 1992 and has permanent structures in both countries, including in Nagorny Karabakh. In Georgia, the ICRC has been present for the same length of time and has offices in both Abkhazia and South Ossetia: indeed, it is the only humanitarian organization to be present in Tskhinvali. And, although gradually reducing its set-up in the Western Balkans, the ICRC maintains structures in Bosnia and Herzegovina, Serbia and Kosovo.

Referring to current events at the forefront of the news, the ICRC has been actively supporting the Ukrainian Red Cross since the onset of the current violence. The ICRC operational and material support enabled the Red Cross to provide first aid on the spot to hundreds of injured people, and evacuate those whose lives were at risk to the nearest health facilities

The main humanitarian consequence the ICRC has to deal with in many of these areas is the problem of **missing persons** in relation to armed conflict and other situations of violence. Ensuring the full respect of the right to know is first and foremost a responsibility of States and parties to conflicts and is central to achieve sustainable peaceful coexistence between affecting communities. This is the reason why the ICRC continues to work with OSCE member States to address the long-term humanitarian consequences of this phenomenon. In doing so, the ICRC adheres to a strictly purely humanitarian approach, totally disconnected from any political consideration. In the first phase, the ICRC does its utmost to search for the missing person in all places where it has access. Thereafter, the ICRC encourages and supports the putting into place of mechanisms by the parties concerned, capable of providing answers to the families. In some cases the ICRC is willing to act as a neutral intermediary to ease the information exchange process. The ICRC's efforts extend also to the families, to whom it offers multifaceted programmes of accompaniment. Finally, the ICRC encourages States in their efforts to strengthen their institutional and normative framework, with the view of preventing the disappearance, resolving them if they occur and responding to the needs of the families.

Across Armenia and Azerbaijan, including Nagorny Karabakh, the families of more than 4,500 people are still without news of their loved ones. Unable to bury and mourn them properly and in accordance with their culture and traditions, these families experience immense psychological stress, which does not fade in the course of time.

In South Ossetia, the ICRC endeavours to facilitate work on the issue of the missing person through a tri-partite coordination mechanism created in 2010. This mechanism, which is chaired by the ICRC, brings together authorities from Georgia, the Russian Federation and the *de facto* authorities from South Ossetia. It handles the cases of the 200 or so people who went missing during the 2008 and 1991-92 conflicts.

In relation to Abkhazia, there have been positive developments recently within the bi-partite coordination mechanism that brings together Abkhaz and Georgian representatives under ICRC auspices. In 2013, the remains of 64 people were exhumed from a gravesite in Park Slavy (Sukhumi) and seven of them were identified.



The unresolved fate of people who went missing in conflicts in the 1990s also remains a humanitarian concern in the Western Balkans. Today, approximately 12,000 people are still missing as a result of conflicts in the region. Thanks to the precious collaboration between our two organizations, significant progress has been made in locating and identifying missing persons since the end of the conflict when close to 35,000 people were reported missing. Nevertheless, thousands of families live with the pain of not knowing the fate of their loved ones, a burden that can affect entire communities. And, unfortunately, in recent years, the rate of identification has been slowing down.

I would like to take this occasion to acknowledge the good cooperation we have had with the OSCE at all levels, while be able to preserve the independence of our respective mandates.

Mr. Chairman,

The ICRC is convinced that expediting **resolution** of the remaining cases of missing persons (more than 20,000 in Europe at large) **is vital for reconciliation and stability in the region.**

Efforts to resolve cases of missing persons are just one example of the utility of the presence and expertise of a neutral intermediary like the ICRC. The organization can also offer to assume this role to help repair/maintain essential civilian infrastructure when maintenance is impossible owing to its proximity to the front line; to facilitate medical evacuations across administrative boundaries; or to obtain security guarantees for communities who need to conduct time-bound agricultural activities.

This is indeed exactly what happened in August 2013, when the ICRC obtained a temporary ceasefire allowing 50 families from a front-line village in Azerbaijan to harvest 150 hectares of wheat fields. This might seem insignificant to some, but it changed the lives of those 50 families. They were able to harvest the crop they had sown months earlier and to prepare one of the most basic but important foodstuffs: bread.

Another way in which the ICRC can help build trust between parties is by visiting representatives of one party detained by another to check on their treatment and living conditions and make any necessary recommendations for improvement. This is most effective, however, when all parties permit such visits. The ICRC is currently visiting prisoners of war or security detainees held in Armenia, Azerbaijan, Georgia Kyrgyzstan, Guantanamo Bay Naval Station in Cuba and is discussing its working modalities with a number of Western European countries.

I am convinced that such initiatives, as limited in time and space as they may be, contribute to building confidence between parties and pave the way for further improvements in their relations.

Mr. Chairman,

Allow me now to elaborate on our role in the domain of migration before I outline some of the key challenges in the domain of the respect of applicable rules of international humanitarian law.

In recent years, some of our biggest operations have taken place on the fringes of the OSCE's territory, such as in Libya, Afghanistan or Syria.



Today, the ICRC is also concerned by the impact of these conflicts and other situations of violence on **migration** to or through OSCE member States. If the majority of migrants manage in safely reaching their countries of destination, others may face serious difficulties and be trapped in hostile environment without documentation and means to continue their journey, putting their and their families', physically integrity and well-being at risk. Those are the vulnerable migrants who are of concern for the ICRC. Given the magnitude of the problem, the ICRC has not the ambition of responding to all needs, but rather aims at contributing to the humanitarian response by building on its experience and expertise in the field of restoring contacts between the migrants and their families and detention related problems, with particular focus on minors.

There are the migrants who die on their way to Europe. Tragic events, like those off the islands of Lampedusa or Malta in October last year, have shown the risks that people will take in fleeing conflict areas to reach safer places and the extent of humanitarian needs at stake. It remains difficult to find accurate data on how many migrants have died trying to cross the Mediterranean, and most sources and figures are not supplied by governments.

The ICRC is currently working with forensic institutes in Europe to try to facilitate better coordination between forensic departments in European countries, which should help improve efforts to clarify the fate and whereabouts of missing migrants. Furthermore, at the end of November 2013, the ICRC, the University of Milan and the Italian Red Cross co-organized the first conference on the identification of migrants who have died on their journey towards the shores of Mediterranean countries.

The ICRC remains convinced of the added value of the network of 189 Red Cross and Red Crescent Societies in the humanitarian response given to the needs of vulnerable migrants throughout their journey. Their role is of paramount importance. In the field of restoring family links, the ICRC works with National Red Cross and Red Crescent Societies to put migrants who have arrived in Europe back in touch with their families. Most of the requests we receive come from their families in their countries of origin, but some come from families who have already settled in Europe.

In response to such migration emergencies the ICRC has stepped up its support to the National Red Cross and Red Crescent Societies concerned, to increase their capacities to deal with the significant number of people affected. In October 2013, we opened an office in Athens dedicated to restoring contact between migrants and their families. We have also sent delegates to the southern part of Italy.

This support aims not only to respond to the needs generated by these events, but also goes much further in helping the National Societies to be better prepared for future emergencies.

Mr. Chairman,

The principal cause of suffering during humanitarian crises is **insufficient respect of applicable rules of international humanitarian law.**

As regards international humanitarian law, the ICRC and the Swiss government are currently undertaking a major consultation process on how to improve compliance with this body of law by developing stronger international mechanisms. A preparatory meeting, in April this year, and a consultation process involving all States, in June in Geneva, will be complemented



by bilateral consultations with States and other actors. In this regard, I recognize the OSCE's commitment to respect and ensure respect for IHL, as enshrined in the Code of Conduct on Politico-Military Aspects of Security, and I encourage your participation in the compliance process.

I know that the OSCE will soon be reaching a landmark in its history and, in 2015, will celebrate the 40th anniversary of the Helsinki Final Act. This year, too, we celebrate the 150 years since the signing of the First Geneva Convention on the Amelioration of the Condition of the Wounded in Armies in the Field. Our history is inextricably linked to the development of international humanitarian law and to **engaging States to respect and ensure respect** for this important framework.

The founding fathers of the ICRC believed that the organization would last only a few years, as they considered that governments would find a way to meet the needs of wounded and sick combatants on the battlefield, in cooperation with the newly established National Societies. 150 years later, however, not only are we still active, we are extremely busy.

Indeed, today's outlook is rather sobering: conflicts persist, sometimes for decades, and new ones seem to exhibit similar patterns of violence, contempt for the lives of civilians and widespread disregard for international humanitarian law. The results are massive destruction, the flight of skilled workers and of entire families, as well as untold suffering for millions of people.

Tragically, there is no indication that these trends are changing for the better. How make the protection of IHL a reality for victims?

We are conscious that the nature of armed conflict is changing. Lines between the parties, and between combatants and civilians, have become increasingly blurred. The battlefields are expanding into highly populated areas. Military and police operations are often overlapping. Criminal violence and armed conflict are increasingly intertwined, challenging the legal frameworks of IHL and Human Rights Law.

Their interplay presents challenges to knowing which rules apply and where, for example with regard to the use of force. Yet the two branches are governed by the same overriding principle; that each individual has the right to his/her human dignity and to be protected against inhumane treatment.

The changing methods and means of warfare, particularly in the realm of new technologies, such as remotely and automated weapons' systems, put the respect of general rules of IHL to challenge too. The same can be said on cyber warfare, which has potentially devastating humanitarian consequences.

We are convinced that this evolving context reaffirms rather than weakens the relevance and importance of IHL in protecting the lives and dignity of the victims of armed conflict, despite the flagrant violations by parties worldwide. But we are also mindful that IHL has to adapt to the changing contemporary realities, exactly as it did in 1977 with the adoption of the two protocols or, more recently, when rules prohibiting or regulating weapons such as anti-personal mines and cluster munitions were adopted.



Today, the ICRC focuses on the reaffirmation of certain aspects of the law, while accepting, in others, to clarify or develop certain elements – such as procedural safeguards for internment or administrative detention– as long as the protection is not weakened. Furthermore, the full respect of the law requires that proper training be ensured when use of force is deemed necessary.

To make the respect of IHL a reality, **access** to people in need in humanitarian crises is crucial. However, humanitarian agencies can no longer take it for granted that access will be offered in response to their claims of adherence to traditional humanitarian principles. Increased fragmentation of armed groups and the presence of *de facto* authorities make it difficult to ascertain whether we have established reliable channels of communication.

My reading is that three major trends are challenging our assumption of and possibilities for access today:

The **first** relates to the **increased politicization of humanitarian action**. Some parties may doubt that the sole motivation of humanitarian actors today is to protect and assist victims of the violence, seeing them instead as agents of broader political or military agendas. I am convinced, more than ever, that in highly polarized and politicized contexts, there is a fundamental need for strictly neutral, impartial and independent humanitarian action, enabling organizations such as the ICRC to build dialogue with all the parties involved, in order to reach vulnerable people on all sides.

The **second** trend is related to the first, but undermines the very core of the ICRC's approach to humanitarian action. A **small but significant number of authorities and emerging humanitarian actors are expressing doubts about the very validity of our Fundamental Principles**. Scepticism translates into barriers to acceptance and thus access in a number of contexts. Therefore, ever since taking up my duties as president of the ICRC, I have made it a priority to seek out the views of a broad range of actors, governmental and humanitarian, who do not traditionally take part in international humanitarian efforts. My intention has been to explore whether a new consensus can be reached in favour of a stronger and more capable alliance for non-political humanitarian action. I am convinced that open and frank discussion and a willingness to find practical solutions on the ground can help us reach this broader consensus.

The **third** trend is the **rampant lack of respect for health care personnel, patients and facilities**. This is undoubtedly one of the most serious yet neglected humanitarian issues of today. Ambulances or hospitals are directly targeted, killing or wounding health care staff and patients. Health workers are harassed or threatened. Ambulances are deliberately prevented from accessing wounded people or are held up for hours at checkpoints.

According to data collected by the ICRC in 23 countries between January 2012 and October 2013, more than 1,650 incidents affected the delivery of and access to health care. This includes the killing of 131 medical staff and approximately 350 ambulances being attacked or denied access, often while delivering life-saving assistance. This data is by no means exhaustive.

Every such incident denies wounded and sick people their right to health care. And beyond the direct impact of such attacks on health care infrastructure or workers, there are



immeasurable longer-term repercussions on entire communities with war-related or chronic health problems.

CONCLUSION

Mr. Chairman,

I have probably spoken too much.

Let me conclude by underlining the fact that **humanitarian action alone cannot prevent or resolve the many humanitarian problems I have touched upon today**. It is parties to armed conflicts – States and non-State armed groups – that bear the legal obligation to promote, implement and respect international humanitarian law and to spare civilians unnecessary suffering. Collectively, we need to continue to call upon all governments and armed groups to grant and facilitate unhindered access to people in need, so that the ICRC and other purely humanitarian organizations may deliver assistance and protection in a manner that is neutral, impartial and independent.

I thank you again for this opportunity to speak today and I very much look forward to strengthening our collaboration.

Vienna, 30 January 2014