

ENGLISH only

**Statement of the
International Committee of the Red Cross**

**OSCE Summit
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1. The humanitarian **mission of the ICRC**, as an impartial, neutral and independent organisation, is to protect the lives and dignity of victims of armed conflicts and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening international humanitarian law and humanitarian principles. International humanitarian law is a set of rules, which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare.

The ICRC's overall mission combines a commitment to protect individual rights by ensuring that authorities and other actors live up to their obligations, along with providing a response to humanitarian needs through neutral and independent action. Such action seeks to prevent and eradicate the causes of human suffering in armed conflict or other situations of violence, and to alleviate such suffering when it does occur.

2. **ICRC's prevention activities** aim to foster an environment conducive to respect for the lives and dignity of persons affected by armed conflict, in particular by strengthening awareness of international humanitarian law and its incorporation within national legislation. The ICRC does not have a mandate to prevent armed conflicts as such, but it is important to note that violations of the laws and rules applicable in situations of armed conflict can themselves prompt additional violations or even lead to intensified or further-reaching violence. Efforts aimed at promoting international humanitarian law before the eruption of violence or armed conflicts are consequently important in reducing the risk of such situations occurring and, in turn, escalating.

3. During times of peace, the ICRC consequently conducts programs aimed at **disseminating international humanitarian law** among arms-bearers, decision-makers and civil society in general. In addition, these programs **encourage and support States to incorporate** international humanitarian law in their domestic legislation and to adopt all the necessary implementation measures required by international humanitarian law. Ensuring a widespread understanding and a commitment to international humanitarian law, as well as the conformity of the domestic legislation to these rules and principles, already in times of peace, is a crucial element for the prevention of violations when hostilities erupt.

4. As promoter and guardian of international humanitarian law, the ICRC is also active in the **clarification and development** of international humanitarian law. In this framework, the ICRC has conducted important research over the past years, for instance regarding the rules applicable to private military and security companies and the concept of "direct participation in hostilities".

5. The ICRC has recently completed an internal **research study** aimed at identifying and understanding the humanitarian problems arising from armed conflict and devising possible legal solutions in terms of legal development or clarification. The research paid particular attention to non-international armed conflicts, but was not exclusively focused on such conflicts. The study concluded that, with regard to most of the issues it examined, humanitarian law remains, on the whole, a suitable framework for regulating the conduct of parties to armed conflicts, both international and non-international. What is required in most cases is greater compliance with the existing legal framework, not the adoption of new rules.

The study did show, however, that humanitarian law does not always respond fully to actual humanitarian needs. Some challenges that exist, for example in protecting persons and objects during armed conflict, are the result of gaps or weaknesses in the existing legal framework, which requires further development or clarification.

More precisely, the ICRC concluded that humanitarian law must develop new responses in four main areas. The first involves protection for persons deprived of liberty, especially in situations of non-international armed conflict. The second concerns implementation of humanitarian law and reparation for victims of violations. Despite improvements in developing criminal law procedures to prosecute and punish those who have committed serious violations of humanitarian law, appropriate means for halting and redressing violations when they occur are indeed still lacking, in particular as regards non-international armed conflicts. The third area of concern is protection of the natural environment, and the fourth is the protection of internally displaced persons. The ICRC will now open a dialogue with States and other interested parties on the conclusions contained in the study. Based on these consultations, it will then decide whether it will propose initiatives for strengthening the legal framework applicable to armed conflict and how to proceed.

6. The efforts of the **OSCE** in the area of conflict prevention touch also upon some of the important issues mentioned above, for instance in the fields of arms control or training, and through its participation in the promotion and dissemination of international humanitarian law. ICRC's and OSCE's activities can consequently be seen as complementary.

7. At the heart of the **ICRC's** mission is the **protection and assistance** of victims of armed conflicts and other situations of violence.

Protection aims to ensure that authorities and other actors respect their obligations and the rights of individuals, in order to preserve the safety, physical integrity, and dignity of those affected by armed conflict or internal violence. It mainly entails efforts to prevent and/or put an end to existing violations of international humanitarian law and other relevant bodies of law. It deals first and foremost with the causes or circumstances of violations of rights or non-respect of obligations, and secondly with the consequences of those violations. It targets essentially those responsible for the violations and those who can influence them.

Assistance, on the other hand, aims to alleviate the suffering of people affected by armed conflict or internal violence, and to contribute to maintaining or restoring their physical integrity and dignity. Assistance activities also respond to the consequences of violations of international humanitarian law and other relevant bodies of law or circumstances in which they might occur by reducing exposure to risks. Assistance mainly involves efforts to help meet the basic needs of people affected by armed conflict or internal violence and involves the direct provision of services and goods, support to existing structures and services, and promotion of the responsibilities of authorities.

8. Protection and assistance activities necessarily require a close proximity with victims on the field. The **ICRC approach** to humanitarian action in situations of armed conflict and internal violence is firmly rooted in the organisation's **independence, neutrality and impartiality**. Decades of experience in war zones have shown that this approach generally gives the ICRC the widest possible access both to the victims of the violence and to the actors involved. This enables the organisation to provide protection and assistance to populations at risk and to advocate for adherence to international humanitarian law among weapon bearers.

In conformity with its strict working principles and criteria, the ICRC seeks **dialogue with all actors** involved in or capable of influencing developments in situations of armed conflict or internal violence, however sensitive the undertaking may appear. Without such dialogue, it would be impossible for the ICRC to obtain the required levels of acceptance in order to reach populations at risk and to carry out its protection and assistance activities.

9. The ICRC puts great weight on the necessity to avoid confusion between **humanitarian and military action** and hence, on the importance to dissociate **political and military goals from humanitarian** ones. This is essential in order to ensure the acceptance of humanitarian actors by the parties to a conflict or a situation of violence.

In cases where the militaries engage in activities of a humanitarian nature, they should clearly identify themselves as military. The ICRC urges the **OSCE** to be vigilant to ensure that a clear distinction between military and humanitarian action is maintained and that humanitarian action is preserved from such confusion.

10. The ICRC is often present for years or even decades **after hostilities** have ceased in conflict zones. From the ICRC's long experience in post-conflict situations, several key issues stand out as being crucial in consolidating the stabilisation of a region.

The end of **impunity** for international crimes is essential and therefore, as the guardian of international humanitarian law, the ICRC supports the integration of norms aimed at repressing such crimes within national legislation, as well the establishment and jurisprudence of international criminal tribunals. Such mechanisms are necessary to achieve progress in the application and enforcement of international humanitarian law.

Another effort that must be a priority once hostilities have ended is the imperative of resolving cases of **missing persons**. International humanitarian law contains a clear obligation to provide answers to families on the whereabouts of people who have disappeared and the right of the families to know the fate of their relatives. Some people remain missing for up to decades after the end of a conflict. Addressing and solving such issues are often crucial in achieving reconciliation between communities as well as reconstruction and stabilisation in post-conflict situations. The ICRC is deploying important efforts in several contexts for the resolution of all such cases. Efforts must focus not only on providing answers and information on the missing, but they must also focus on helping families address their pressing legal, economic and social needs.

11. Through its efforts the **OSCE** is in a position to significantly support and strengthen mechanisms aimed at ensuring compliance with international humanitarian law for issues such as the repression of international crimes or the solving of cases of missing persons. The OSCE is strongly encouraged to continue all activities and efforts geared towards addressing these important issues.