

Oslo Global Conference on Reclaiming the Protection of Civilians under International Humanitarian Law

Statement by National Red Cross and Red Crescent Societies on “Improving Respect for IHL during Warfare Situations”, 23 May 2013

The National Red Cross and Red Crescent Societies present today wish to thank the Government of Norway and the Co-Chairs Argentina, Austria, Indonesia and Uganda for inviting us to participate in this important Conference. Through a series of regional seminars and now a global conference, this initiative has allowed for a global dialogue to identify measures that can strengthen protection of civilians in armed conflict. National Red Cross and Red Crescent Societies are present and carry out humanitarian activities in virtually all countries and areas affected by armed conflict worldwide. Based on this work, it is clear to us that far more needs to be done to ensure that the legal protections that civilians are afforded under international humanitarian law (IHL) are respected and faithfully implemented by all parties to conflict.

Preventing violations of IHL before they occur is an essential first step to reduce civilian suffering in war. We echo the sentiments of the ICRC that, in order to do so, one must create an environment conducive to respect for IHL.

Promoting knowledge and understanding of IHL is an important part of the work of National Red Cross and Red Crescent Societies, in accordance with their mandate. National Societies act as auxiliaries to their national authorities in the humanitarian field. National Societies, like the ICRC, also enjoy specific recognition under IHL. In wartime, they may assist the civilian population and support the medical services of the armed forces. Their experiences in war inform their ability to engage in peacetime activities to promote IHL with armed forces and in some cases with armed groups in their respective countries and contexts. In many contexts, the continuous local presence of National Societies makes them thus uniquely placed to engage on IHL issues with relevant domestic actors.

For example, National Societies are engaged in activities aimed at promoting the incorporation of IHL in national laws and in monitoring their application, often through participation in National IHL Committees. National Societies also work to promote wider understanding of IHL, including through participation in the training of the armed forces and the teaching of IHL in schools and universities. In many countries, national capacity and expertise in IHL are lacking. The inclusion of IHL into university curricula as well as in the training of relevant professional groups—such as lawyers, health personnel and journalists—is an important step to build this capacity.

As members of the Red Cross and Red Crescent Movement, National Societies have also mobilized collectively to promote the development of IHL to respond to new humanitarian concerns, such as the use of weapons that have unacceptable humanitarian consequences, and the on-going global campaign “Health Care in Danger” aimed at improving the protection of patients and health-care workers and reducing violence against health care in armed conflict and other emergencies.

However, the existence of a comprehensive legal framework is never sufficient to ensure that obligations are met and violations prevented. This requires effective implementation by translating the rules into practice. Integration of the law must extend through all phases of action concerning the use of force in armed conflict, from doctrine development, through training, planning and operational phases and—where relevant—to redress or sanction mechanisms. It should include all arms carriers that operate in these situations, including armed forces, non-State armed groups and private military or security companies.

The lack of knowledge or capacity to implement IHL can lead to IHL violations, though more often violations are a result of deliberate and conscious political or military strategies. When it comes to halting deliberate and systematic IHL violations, different approaches are needed. Dissemination of IHL still has a role to play, but it would need to target the superiors that are issuing the orders. In some contexts, it may be useful to relate the dissemination of humanitarian law to local norms and values and to adapt messages to the motives of relevant actors.

Beyond dissemination, there are a range of tools that can be used, in particular, by third States, multilateral organizations and civil society to influence the behaviour of parties to

conflict. These range from confidential dialogue to public statements, and from positive incentives to punitive sanctions such as the denial of financial support or arms transfers. The investigation and prosecution of war crimes, including through the application of universal jurisdiction, or the referral of cases to the ICC, are other key measures to ensure respect for IHL.

The collective experience of the Red Cross and Red Crescent Movement demonstrates that efforts directed towards promoting respect for IHL and preventing violations can make a difference on the ground. However, there is an urgent need – and the possibility today – to mobilize a broad range of actors, including States, multilateral organizations and civil society, to devise more effective preventive strategies to ensure respect for IHL, to strengthen accountability mechanisms for IHL violations and to build the political will necessary to make the protection of civilians a far higher priority.