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***The Indispensability of Neutral Independent Humanitarian
Action in Helping Victims of Armed Conflict:
A Lesson Learned from the Balkans Conflicts***

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"The Future of Kosovo and the Balkan Puzzle" - Seminar

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Your excellencies, ladies and gentlemen,

I also wish to thank STETE for this opportunity to speak at this seminar on Kosovo.

I want to begin my presentation by saying that the Balkans region is close to my heart. In the mid eighties, as a teenager, I lived in the Former Yugoslavia for three years. Later, in 1999, during the last Finnish presidency of the European Union, I returned to the Balkans as a monitor for the then European Community Monitoring Mission. Subsequently I have been back several times as an election observer. I have fond memories from all parts of the Balkans and have always been struck by the incredible hospitality that one meets irrespective of where one goes. For me, the future of this part of the Europe is of personal interest.

As for today, I speak to you as a representative of the Finnish Red Cross, a member of the International Red Cross and Red Crescent Movement. This movement is composed of 185 Red Cross and Red Crescent national societies, the International Federation of Red Cross and Red Crescent Societies, and last but not least, the International Committee of the Red Cross – the ICRC. As the topic of my presentation is the indispensability of neutral, independent humanitarian action within the context of armed conflict, the majority of my thoughts concern the work carried out by the ICRC. It is the ICRC that takes the lead within the Movement whenever it seeks to assist and protect victims of armed conflict. I would also like to strongly emphasise, that while I will take up issues that concern specifically the ICRC and the Movement, this does not mean that they are not applicable to the work of other humanitarian organisations and agencies.

ICRC mandate and modus operandi

Before noting some of the experiences from the Balkans, and the challenges of today and tomorrow to neutral independent humanitarian action, I wish to touch upon the mandate and modus operandi of the ICRC. These factors are essential to understanding what the ICRC means when it speaks about neutral independent humanitarian action, and why it feels so strongly about it.

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ICRC MISSION Red Cross Finland 

The International Committee of the Red Cross (ICRC) is an **impartial, neutral and independent** organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance.

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The mission statement of the ICRC encapsulates well the ideology of the organisation and the way it seeks to carry out its tasks of bringing relief and protection.

With regards to the victims of armed conflict, the ICRC has been given a two-fold mandate by the international community in the universally accepted Geneva Conventions. It is not only mandated to provide assistance to the victims of armed conflict, in the form of food, health services etc. It has also been given the right to carry out tasks that seek to protect persons in the power of parties to a conflict. This protection includes reminding parties of their obligations under international humanitarian law, engaging in dialogue about its implementation, conducting visits to places of detention, and restoring family links through the transfer of Red Cross Messages and family reunification. While assistance is often perceived as the main task, one should not underestimate the role of protection. As you can well image, belligerents tend to be more willing to accept assistance than to have outsiders, even neutral ones, come and check up on their prisons and talk to their prisoners. Neutrality, independence and impartiality are all essential elements if the ICRC wishes to carry out all of its tasks.

As a non-governmental entity with special status under international law, the ICRC is able to be efficient whenever a conflict breaks out. It can quickly respond and be on the ground helping those in need. Operationally this is facilitated by the fact that the organisation is independent, and is part of the International Red Cross and Red Crescent Movement. As already mentioned, the Movement is represented in almost every country of the world by a national society. They are bound by the same principles as the ICRC. Decision making within the ICRC is not driven by political considerations but by the need of the victims of armed conflict. The mandate given in the Geneva Conventions is critical for getting access into areas

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affected by armed conflict. States know in advance what the ICRC is tasked to do and what its role is. States have accepted this role when ratifying the Geneva Conventions and their Additional Protocols. As will be noted later, due to the fragmentation of conflicts and of warring parties, this role is no longer self-evident.

Before moving on, I want to point out that the humanitarian actions of the ICRC seek to alleviate the suffering of those affected by armed conflict, and not to resolve the underlying issues of the conflict. As for the question of resolution and reconciliation in conflict and post-conflict situations, it should be clear that the ICRC is not in the business of peace-building or peacekeeping. Sustainable solutions require political actions by political actors. The sources of conflicts are most often political and so are their solutions. At the same time, one should not underestimate the significance of the work of the ICRC and other humanitarian organisations. Their actions can help the building of peace once the fighting has ceased. By focussing purely on the humanitarian aspects of a conflict, the ICRC tries to distance itself from the political aspects of conflicts.

Lessons from the Balkans conflicts

The subject of today's seminar is Kosovo and the Balkans puzzle. I have titled my presentation in a way that implies that the Balkans conflicts consolidated the International Red Cross and Red Crescent Movement's commitment to neutral independent humanitarian action. What are then the lessons learned from these conflicts?



Lessons from the Balkans 

- Neutral independent humanitarian role accepted
- Access to victims became harder
- Important to be present in the field
- Nature of conflict extreme challenge to ICRC work

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The Balkans conflicts were interesting in that, while the ICRC experienced a number of setbacks in its work, it also was able to carry out some of its activities specifically because it was perceived as a neutral, independent and impartial organisation that focussed on humanitarian activities. The ICRC managed to get the warring parties to sign MOUs on the humanitarian principles applicable to the conflicts. Its role as a purely humanitarian

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organisation made it possible for the belligerent parties to meet and talk about humanitarian issues, without having to fear that the meeting or MOU meant a formal recognition of any legal status of the other party. Unfortunately, these agreements were often not lived up to, and violations of IHL nevertheless occurred.

The ICRC was relatively successful in the long run in gaining access to detainees. Admittedly, this was helped by news reports. As the conflict wore on the emergence of smaller paramilitary groups posed a new challenge – negotiating access to victims became more difficult and agreements more local and less reliable.

The experiences of the ICRC during Balkans conflict show the importance of being present in the theatre of hostilities. The ICRC was in a strong position to help those displaced when armed conflict initially broke out in 1991. This was partly due to its presence in all of the six republics– at a time when the UN was not present. Another reason for this strong position was the ICRC's close connections with the local Red Crosses. This strong position was diminished when the ICRC suspended its operations after the director of its operations in Bosnia and Herzegovina was assassinated. The ICRC faced numerous challenges when it returned to Bosnia after a year's absence.

Finally, it should be noted that the Balkans conflicts were an extreme challenge to the very nature of the work of the ICRC and other humanitarian organisations working for the benefit of those protected under international humanitarian law – persons not partaking in hostilities. Very often the objective of the fighting in the Balkans was ethnic cleansing and the targeting of civilian population. In other words, the *raison d'être* of the hostilities was to violate the fundamental rules of international humanitarian law.

Neutral Independent Humanitarian Action

What is meant by Neutral Independent Humanitarian Action and why is it so important to the ICRC?

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Neutral Independent Humanitarian Action  Red Cross Finland

- Access to victims is key – NIHA a tool
- Neutrality does not mean indifference
- Independence dissuades suspicions of ulterior motives
- Humanitarian action must be nothing but humanitarian
- Impartiality – humanitarian needs must guide decisions

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A prerequisite of assistance and protection is access to victims of armed conflict. Access for its part requires co-operation from those present in the area. It is important to understand, that neutral independent humanitarian action is a tool for achieving this access.

Neutrality, especially when it comes to the ICRC, is at times mistaken for indifference. This is not so. The ICRC consistently raises its concerns with warring parties whenever it observes violations of IHL. As a rule these discussions remain confidential – only very rarely are they made public. It must be understood that neutrality, and the perception of neutrality, is essential when the ICRC is negotiating access to detainees. Also, by remaining neutral, the work of the ICRC is less likely to be used as a political tool by parties to the conflict.

It is illustrative of the sensitivities present in armed conflict, that during the Balkans conflict, one belligerent felt that the ICRC had been "painfully neutral" while the other belligerent felt that the ICRC had been partial in its actions. These views only go to show that within the context of armed conflict, maintaining credible neutrality in the eyes of belligerents is extremely difficult.

Independence, and the perception of independence, must be maintained to convince all parties that the ICRC has no ulterior motives for its actions. It must be clear that the organisation has a distinct goal from any and all other political and military actors present in the field. The ICRC must also be able to demonstrate that it makes its own decisions based on its purely humanitarian mission. The changing nature of armed conflicts and their polarisation means that the acceptance of the ICRC as a purely humanitarian organisation is no longer self-

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evident. These are reasons why safeguarding the independence of the organisation is all the more important today.

The ICRC obviously does not have a monopoly on defining what humanitarian action means. However, for the ICRC, humanitarian action is and should be action that impartially addresses the humanitarian needs of all victims of armed conflict. This philosophy is found in the Geneva conventions.

Humanitarian action should not be tied to military and political campaigns that seek to "win the hearts and minds" of the local population. Such ulterior motives can have grave consequences for the security of humanitarian organisations outside such campaigns. They make it so much harder for independent humanitarian organisations to gain the trust of the local interlocutors.

The aforementioned principles are complemented with the principle of impartiality. Decisions on humanitarian action must be based on an evaluation of the needs of the victims, and an assessment of how the organisation can best provide help. It is an inherent element embedded in international humanitarian law that humanitarian relief must be carried out without adverse distinction. Political or military considerations have no place in determining who is in most need of humanitarian relief. Every person, friend or foe, has a right to relief when in need, and we have an obligation to help those in need. Impartial humanitarian action puts into practice the principle of humanity.

The integrated approach

The principles I have just mentioned do not sit well with what today has become known as the integrated approach – an approach that seeks to combine the efforts of civilian and military actors in the field.

Integrated Approach 

- Disguise diverse objectives under one mission
- Diminish "humanitarian space" – make humanitarian organisations potential targets
- Need to be clear who is who

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Such approaches often disguise the fact that in reality the different actors have different objectives. They also diminish the "humanitarian space" in which humanitarian organisations can function in. Integrated missions make it more difficult for humanitarian organisations to distinguish themselves from the military and their objectives. Consequently, the blurring of lines means that humanitarian organisations also become potential targets of attack. For an organisation that prides itself on the fact that its relief convoys as a rule do not use armed escorts, this is a worrying development. It is always easier to target a relief truck than an armoured personnel carrier. If the ICRC suddenly finds itself in an environment where it is perceived as a legitimate "soft target", the risks involved in its operations will suddenly multiply and the effectiveness of its work will diminish drastically.

The concerns I have expressed should not be understood as a rejection of coordination and cooperation with the military. Nor are they a rejection of humanitarian action carried out by the military. However, this should be done only when it truly is the most efficient way of providing humanitarian assistance. Furthermore, non-humanitarian actors need to clearly distinguish themselves from humanitarian organisations and agencies. It must be clear who is doing what. This way we can best protect the blurring of lines between the different actors out in the field.

Today's Challenges

Many of the challenges faced by the ICRC and other humanitarian organisations today are augmentations of the problems that arose in the context of the Balkans conflicts.



Today's Challenges  Red Cross Finland

- Fragmentation of conflicts and warring parties – access harder
- Conflicts identity driven or ethnically based
- Greater role of outsiders to ensure respect
- Neutrality harder to maintain but even more important

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Today it is more difficult to negotiate with warring parties, who have become more heterogeneous with the further fragmentation of conflicts. More often than before, conflicts are

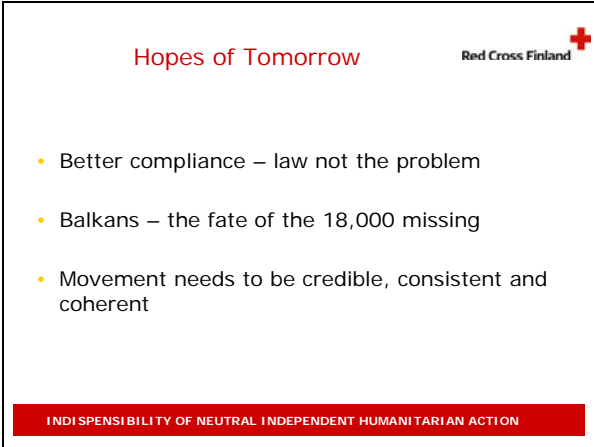
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dominated by smaller paramilitary groups that have little incentive to follow the rules of international humanitarian law. Their modus operandi relies on secrecy, which in turn means that negotiating safe access to their areas is all the more difficult. Finally, as noted before, many of today's conflicts are identity driven or ethnically motivated. This means that the aim of the conflict is the destruction if not annihilation of the enemy population. Violations of international humanitarian law are an integral part of such conflicts. Political solutions to these conflicts are hard to find. In the face of these challenges it so much more difficult for the ICRC and the Movement to function effectively. This in turn means that the role of outside political actors to ensure respect for international humanitarian law has become more important. This is a lesson that was also learned from the Balkans conflicts.

In light of the aforementioned and the subject matter of today's seminar, it is worth noting that in December 2005 the Council of the European Union approved Guidelines on promoting compliance with international humanitarian law. These guidelines set out the operational tools for EU and its institutions to promote compliance with IHL among third States and non-state actors. The adoption of the guidelines is a welcomed step. It will be interesting to see how effectively these guidelines will be used in the future.

The recent radicalisation of conflicts has led to "imposed polarisation". This means that it is even more challenging for the ICRC and the Movement to remain neutral when out in the field. This is a real danger for the work of the Movement. Furthermore, the emergence of global threats means that security risks are no longer confined geographically, and have become more complex. For the ICRC operations this means that more and more resources need to be put into risk assessments and security measures. By successfully protecting its integrity, independence and neutrality, the ICRC can diminish the global risks to its operations.

Hopes of Tomorrow



Hopes of Tomorrow 

- Better compliance – law not the problem
- Balkans – the fate of the 18,000 missing
- Movement needs to be credible, consistent and coherent

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As for the hopes of tomorrow, it seems clear that in the area of international humanitarian law, the focus needs to be in finding tools to better ensure compliance. The fact of the matter is that while the laws of war in some respects could be improved, the recent conflicts, including the Balkans conflicts, have shown that the problems are not in the substance of the legal rules, but rather in their application. We need to find incentives that entice abidance.

If one looks at Kosovo and the rest of the Balkans, one of the priorities must be to resolve the fate of the missing. Over 18,000 persons are still missing as a result of the conflicts in the Balkans. In Kosovo, over 2,000 persons remain unaccounted for. The fate of these persons is an important piece in solving the Balkan puzzle. Resolving the fate of the missing is not only a form humanitarian action; it will also contribute to the healing of wounds and facilitate the building of peace in a region fraught with memories of conflict. At the same time, it should be recognised that the fate of the missing needs to be resolved irrespective of the future status of Kosovo.

As for the ICRC and the International Red Cross and Red Crescent Movement, the events of this summer in the Middle-East further emphasised the need for effective, neutral independent humanitarian action. This means that the Movement must deliver on its promises. It must be honest when evaluating its work out in the field. While this is most important to those in need, it is also important for donors, whose role in ensuring the resources of the Movement are vital. The Movement must prove that it is worthy of the trust of the international community. This trust also entails a responsibility to make sure that the Movement's actions do not duplicate the work of other humanitarian actors in field. It is everyone's moral obligation to make sure that funds are used effectively and always benefit those in need.

I would like to conclude by saying, that in our efforts to bring relief the Movement needs to be credible, consistent and coherent. It needs to anticipate the challenges of the future by working in a manner that not only works today, but also proves dynamic enough to adapt to the challenges of tomorrow. Also, our decisions of today need to withstand the evaluation of tomorrow. For the International Red Cross and Red Crescent Movement this means providing purely humanitarian relief in an impartial, neutral and independent manner.

Thank you.