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The Ninth Hauser Lecture

**Current Challenges Faced by the International Committee of the
Red Cross and International Humanitarian Law**

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Mrs Hauser,
Your Honour, Judge Theodore Meron,
Excellencies,
Ladies and Gentlemen,

Thank you for inviting me to speak about the challenges facing the International Committee of the Red Cross and international humanitarian law.

International humanitarian law limits the permissible means and methods of warfare and lays down rules protecting certain categories of people, such as civilians or wounded combatants. It does not do so naively or in a utopian manner. The law has been specifically designed for these very terrible situations. It takes military necessity into account, while balancing that need against the basic requirements of humanity that must continue to hold good even in the midst of war.

The ICRC was created to ensure that this humanity is preserved, that the men, women and children affected by armed conflict are not forgotten, but are taken care of. The international community has recognized the ICRC's task in various provisions of international humanitarian law itself and through the endorsement it has repeatedly given ICRC activities since the organization was founded. International humanitarian law provides the main legal framework for the ICRC in its worldwide protection and assistance work. At the same time, the endeavour to develop international

humanitarian law and make it widely known has largely been the result of ICRC initiatives.

The seminar some of you have been attending today is one example of the activities the ICRC engages in to foster knowledge of the law. This year is the 25th anniversary of this event, which is the result of a fruitful partnership between the New York School of Law and the ICRC. It has been conducted, at the initiative of Professor Theodore Meron, every year since 1983. The event is specifically designed to familiarize diplomats accredited to the United Nations with humanitarian law and the role of the ICRC, both worldwide and in New York, and to discuss current challenges faced by international humanitarian law and by humanitarian action. I hope that the participants will gain a better understanding of the ICRC's mandate and working methods and of the organization's strengths and also its limits.

Tomorrow morning a panel discussion will be devoted to enhancing respect for humanitarian law through the judicial process. I am looking forward to it, and particularly to hearing the views of the presidents of the various international criminal courts and tribunals. The single largest challenge faced by humanitarian law is ensuring that it is better respected in the midst of the fighting. Without compliance by the belligerents, the law cannot achieve its goals. I do not need to remind you of the frequency and magnitude of the violations of humanitarian law that are committed in armed conflicts day-in, day-out. This deplorable situation is compounded by a culture of impunity that continues to prevail despite the fact that the States party to the Geneva Conventions have clearly committed themselves to bringing the perpetrators of serious violations of international humanitarian law to justice, wherever those

violations occur. The setting up of these tribunals and courts and the increased involvement of national courts in prosecuting war crimes must be welcomed as considerable leaps forward.

As you know, if it is to remain in contact with all warring parties and to go on being able to operate in the field, the ICRC can neither cooperate with these tribunals and courts nor testify before them. However, the struggle against impunity is also an important part of ICRC action. Whenever we make a representation to the authority or commander responsible for troops who have allegedly violated international humanitarian law, we urge them to investigate the incident and prosecute those responsible. We also support the adoption of laws at the national level for the prosecution of war crimes and the development of corresponding military disciplinary and penal procedures. Putting an end to the culture of impunity is one of the most important means, in the medium and long run, of increasing compliance with the law.

Tribunals and courts, necessary though they are, can perform the tasks assigned to them only if they have political support from the international community. The Geneva Conventions now enjoy universal ratification. By accepting Article 1 common to all four Conventions, all States have committed themselves to respecting and ensuring respect for international humanitarian law. This commitment can be honoured by a wide variety of means, though according to Article 89 of Protocol I additional to the Geneva Conventions, those means must be in accordance with the UN Charter. But the key for ensuring respect for humanitarian law rests upon the political determination of every State and, through them, that of the international community as a whole.

The value of human life and dignity alone justifies every effort being made to improve compliance with humanitarian law. But improving compliance with the law also helps build peace. During hostilities, when attacks against civilians become part of the belligerents' strategy, when economic predation against the population forms patterns and rape becomes a weapon of war, the spiraling violence provokes reprisals and still more violence. When hatred grows with no end in sight, it generates its own runaway momentum, fuelling the conflict independently of the causes that lie behind it. Complying with the law can, to some extent, help stop this vicious circle.

The same holds true once the guns have fallen silent, for that is crucial time of peace-building. Addressing the remaining issues of humanitarian concern – such as release of prisoners and finding out what has happened to missing persons – is also a means of preventing resurgence of tensions between former enemies. It facilitates the reconciliation process so badly needed. I am profoundly convinced that respecting and ensuring respect for humanitarian law is a long-term investment in peace and security.

Excellencies,

Ladies and Gentlemen,

The problem of people having to flee their homes in complex emergencies and the suffering this causes is high on the agenda of the international community. This is another topic where complying with humanitarian law is of utmost importance. When people are displaced in the course of an armed conflict, international humanitarian

law constitutes the applicable legal framework. This body of law prohibits forced displacement though, in exceptional circumstances, temporary evacuation is permissible if it is necessary for the safety of evacuees or if imperative military considerations so demand. Many principles and rules of humanitarian law are aimed at ensuring that the civilian population is spared the effects of the fighting to the greatest possible extent. Enhanced respect for these provisions would prevent most of the displacement that occurs in today's conflicts. That said, once people have fled their homes, they remain, as civilians, under the protection of international humanitarian law. The Guiding Principles on Internal Displacement, though not legally binding, provide a valuable benchmark as they bring together the existing norms of international humanitarian law, human rights law and refugee law in a way that covers all phases of internal displacement.

Civilians often become more vulnerable to a whole range of dangers when they are displaced, whatever the cause of their displacement. Internally displaced people have therefore always been major beneficiaries of the ICRC's work, though the organization's activities are designed to prevent displacement in the first place. This is the principle guiding our humanitarian action in Darfur for example, in remote rural areas in particular. The ICRC endeavours to compensate for the difficulties suffered or losses incurred by residents of areas ravaged by conflict. For example, it provides food (but also seeds and tools) to rural communities whose harvest has been destroyed or looted by belligerents. It maintains the water supply and irrigation networks when the government and local communities are unable or unwilling to do so as a result of the violence. The ICRC also approaches the warring parties to urge greater respect for civilians.

When people are driven from their homes, the ICRC endeavours to bring them protection and assistance tailored to their needs. This means, among other things, that the ICRC needs to launch its operations, and deploy its staff and logistical means, rapidly. In Darfur, for example, when other organizations moved out of the town of Gereida a year ago for security reasons, the ICRC had to decide overnight whether to take over the responsibility for caring for the more than 120,000 displaced people living in the camp there, among them more than 18,000 children below the age of five. The same thing happened again in June, near Tawila, in two camps sheltering 40,000 displaced people. Last year in Somalia, following the repeated waves of people fleeing their homes because of the fighting, the ICRC distributed essential household items to 800,000 people in the south and centre of the country, in the areas around Mogadishu and in the northern Sool region. Over 230,000 people forced to flee Mogadishu also received three-month food rations. In the first three months of 2007 alone, 21 million litres of water were distributed to displaced people throughout the country.

The ICRC also supports internally displaced people fleeing to cities from the countryside. In Colombia, for example, since 1997 it has aided over a million displaced people, many of them in cities, by means of food aid, for three to six months at a time, and through a voucher-distribution programme launched in 2005 in Bogotá. It also affords displaced people access to medical care by providing transportation, lodging and medication.

The African Union is preparing a special summit on refugees, returnees and internally displaced people in Africa. While in Addis Ababa a few months ago, I had the opportunity to discuss at length the situation of displaced people with the ambassador chairing the relevant African Union sub-committee, and I am glad to say that ICRC's expertise in this field has enabled it to make a real contribution to preparations for this summit, in particular as regards the prevention of forced displacement, and to ensure that the legal development on which the African Union is working will take due account of the protection that internally displaced people already enjoy under existing bodies of law, most notably international humanitarian law. In 2007, according to preliminary figures, the ICRC in one way or another came to the aid of over four million internally displaced people in around 30 countries. This represents a major increase over the past, an increase linked among other things to the changing face of conflict.

Excellencies,

Ladies and Gentlemen,

Today, most conflicts are not fought between States. They usually involve at least one organized non-State armed group, and often several. These groups often split or shift alliances in the course of the conflict. In Darfur, we can currently identify around 20 different armed groups whereas in 2003, when the conflict started, only two rebel groups opposed the government. Where a conflict drags on for a long time, armed groups are particularly tempted to turn to crime – either as a means of continuing the struggle or because of the simple allure of private financial gain. In protracted internal armed conflicts, the absence of stable political authority leaves whole areas without

effective government. Governments lack resources to enforce law and order, to provide public services and to help their citizens cope with the conflict. These phenomena aggravate the risk of people being displaced by the fighting.

Apart from the range of “usual” parties to conflict, the last two decades have seen both the emergence of new armed entities and a greater role being played by existing forces. I do not need to dwell on United Nations operations as an example, since most of you are more knowledgeable on this subject than I am.

More recent – and currently much debated – is the growing use of private military and security companies. These companies are being hired to carry out an increasingly diverse range of tasks, bringing them nearer the heart of military operations and thereby into close proximity with persons protected by international humanitarian law. And those tasks sometimes include actual combat operations. Whatever one's position on the legality, the usefulness or the wisdom of using such companies, the issue of accountability is crucially important. States cannot absolve themselves of their obligations and responsibilities under the law by resorting to private military companies. Similarly, much could be done to prevent violations by companies in the first place by, for example, ensuring that they recruit suitable individuals and that new staff receive appropriate training.

Another feature of some of today's conflicts is their particularly asymmetric character. Asymmetry has always existed in human conflict, for example in the Roman Empire's campaigns against its neighbours, the Vietnam War or the struggle against Soviet troops in Afghanistan. However, this is a growing phenomenon, and the technological

gap between the adversaries in some conflicts has been particularly striking. In asymmetric conflicts, the imbalance in military power is an incentive for the weaker party to compensate for its inferiority by disregarding the rules on the conduct of hostilities. Faced with an enemy that systematically refuses to respect international humanitarian law, a belligerent may have the impression that the legal prohibitions it is required to respect are exclusively for the adversary's benefit. The danger in such a situation is that all parties to the conflict will view application of humanitarian law as detrimental to their interests, and that this will result in all-round disregard for the law.

The fight against transnational terrorism is a fairly recent development. The ICRC does not share the view that a global armed conflict is being waged, but takes a case-by-case approach. The struggle against transnational terrorism takes many forms in which various tools of statecraft may be useful, for example freezing financial assets, gathering intelligence and cooperation through multinational organizations. These means do not involve armed violence nor do they justify any reference to international humanitarian law. The struggle against terrorism *can* also on occasion be waged by means of an armed conflict. A case in point is the war in Afghanistan, which started in 2001. In such a case the legal framework is as clear as in any other armed conflict – humanitarian law is applicable, though this does not preclude the application of other relevant rules.

When international humanitarian law applies, this law explicitly prohibits most acts committed against civilians that would commonly be considered as "terrorism" if committed in peacetime. Such acts also already constitute war crimes. A serious challenge I see for humanitarian law applicable to non-international armed conflicts is

the tendency to criminalize not only certain acts that may be committed by the parties to the conflict, but to criminalize the enemy himself. Both Article 3 common to the Geneva Conventions and Protocol II additional to those Conventions (and adopted some 30 years after the Conventions) apply specifically to armed conflicts that are not fought between States. Though the national legislation of every country invariably criminalizes rebellion, armed secession or other violent attacks against the State, international humanitarian law draws a clear distinction between war crimes, on the one hand, and acts of violence carried out as part of warfare which are not prohibited by international humanitarian law. Criminalize these latter acts through instruments of international law would further weaken the already feeble incentives that organized non-State armed groups have to comply with humanitarian law. At the political level, moreover, labelling one's non-State adversary "terrorist" when he has committed no international crime will not help open the door to a process of negotiation that is usually a precondition for national reconciliation at the end of an internal armed conflict. The tendency to criminalize the enemy could also have the effect of fostering a lack of restraint and encourage the warring parties to take liberties with rules of humanitarian law designed to protect the individual.

However, the fact that some manifestations of the struggle against terrorism take the form, in legal terms, of an armed conflict does not imply that all acts of terrorism carried out in various parts of the world – the bombings in Glasgow, London, Madrid, Bali or Casablanca – are part of one and the same armed conflict in terms of the law. It appears difficult to attribute them to one and the same party to armed conflict as understood under international humanitarian law or to claim that the level of violence involved in each of those places has reached that of an armed conflict. And indeed,

in dealing with these terrorist acts, the States concerned did not apply the rules governing the conduct of hostilities. International humanitarian law has been tailored to armed conflict. Extending its application to situations that do not amount to armed conflict in the legal and factual sense is in our view not only unwise, but even dangerous.

The proponents of the view that a global armed conflict in the legal sense is being waged against transnational terrorism have acknowledged the difficulty of determining when such a conflict would end. Among other consequences, the ICRC's case-by-case approach allows determining with fewer difficulties the end of the particular conflicts identified. Generally speaking, non-international armed conflicts can end by a political settlement. They also end when the level of hostilities does not any more reach that of an armed conflict or when the party or parties opposing the government no longer present a minimum degree of organisation. In the ICRC's case-by-case approach, it is both legally sound and practical that this would hold true for non-international armed conflicts waged within the framework of the fight against terrorism like the one currently taking place in Afghanistan.

One important challenge international humanitarian law is facing is the fact the treaty-based portion of that law is rather limited as concerns non-international armed conflict, which constitutes most of today's conflicts. While customary international law is as much a source of international law as treaty law, its rules are frequently challenged owing to its mostly non-written form. As we have recently seen in some areas, a major improvement in this regard is the convergence in treaty law and jurisprudence of humanitarian law's rules for international armed conflicts and those

for non-international armed conflicts. It shows the willingness of the international community to enhance the protection provided by humanitarian law. For instance, the 2001 amendment of Article 1 of the Convention on Certain Conventional Weapons extends the scope of application of this convention and its protocols to situations of armed conflict that are non-international in character. This amendment has been ratified by 56 States. Nevertheless, in many conflicts the applicable treaty-based law is still limited to Article 3 common to the four Geneva Conventions or possibly to Additional Protocol II.

The very definition of non-international armed conflict has to be looked at more closely in the light of developments in armed conflicts. As mentioned in the Pictet commentary, it was originally thought that Article 3 common to the four Geneva Conventions would only apply to conflicts occurring inside the border of one State party to those Conventions, involving the armed forces of that State against a non-State armed group. Non international armed conflict and inner state armed conflict were therefore seen as synonyms. Developments since then have shown that such conflicts often spill over the border into another State altogether, though not necessarily involving the latter State's armed forces - for example the hostilities between Rwandan Defence Forces and the Interahamwe that have occurred in Burundi and the Democratic Republic of the Congo. The question of the field of applicability of Common Article 3 is therefore whether non-international armed conflicts should not rather be distinguished from international conflicts by the parties involved than by the territorial scope of conflict.

It has also been said that Article 3 common to the Geneva Conventions does not provide an answer to important questions. Article 3 constitutes indeed a minimum legal framework, applicable in all types of armed conflicts. However, the fact that Article 3 is applicable does not mean that other rules do not. Firstly, as we have seen, there are rules laid down by humanitarian treaties that might be applicable depending on the situation on the ground and on whether or not the States concerned have ratified them (Additional Protocol II, the CCW protocols, etc.). In addition to these the study requested by the ICRC on customary international humanitarian law identified a wide range of that law's provisions that apply equally to international and non-international armed conflicts. It is now up to the States and the courts to make their own analysis of these results. There are already examples of international and national courts referring to the study in their judgments, all of which confirm the customary nature of the rules in question. Moreover, according to strong and prevailing legal opinion, core provisions of international human rights law and refugee law remain applicable in times of armed conflict. Some provisions of domestic law are also meant to apply in times of armed conflict. Therefore, Article 3 common to the four Geneva Conventions must be applied in conjunction with these other rules. It is too easy to argue that Common Article 3 does not address important questions by denying the relevance of these other rules when applying this article.

The complementarity of relationship between humanitarian and human rights law has been confirmed by the jurisprudence of the International Court of Justice in 2004. According to the Court, some rights are protected only by human rights law, some are protected only by IHL, and "yet other may be matters of both these branches of international law". For the ICRC, one example where this interplay clearly exists is

the field of procedural principles and safeguards for internment and administrative detention. This is an area regarding which the ICRC has publicly shared its thinking, and about which a careful analysis of the conjunction of the various applicable bodies of law does not leave as much of a gap as one could think.

In short, internment is a measure of control aimed at dealing with a person who poses a real threat to state security. Internment must cease as soon as the reasons for it cease to exist, and the lawfulness of continued detention shall be reviewed periodically. Internment however should not be used as a substandard system of penal repression. A person who is suspected of having committed a criminal offence has the right to benefit from the additional guarantees provided for in humanitarian and human rights law for criminal suspects, among other the right to a fair trial.

I wish however to underline that one cannot isolate the procedural safeguards applying in case of internment to claim that persons detained for security reasons have more rights than prisoners of war. In particular, the prisoner of war's status is the only one that grants immunity from prosecution for mere participation in hostilities.

Many concepts of humanitarian law, including key ones, should be clarified. This is an area where Courts and Tribunals take all their significance in interpreting the general provisions contained in acts, laws and treaties to apply them in individual cases. In this regard, the creation of international criminal jurisdiction, as well as the increased involvement of national courts, has been welcomed in precisising the meaning of the concepts used in Common Article 3. For example, the International

Criminal Tribunal for the former Yugoslavia has repeatedly stated that – and I quote the Trial Chamber in the Celebi case - "*inhuman treatment is an intentional act or omission, that is an act which, judged objectively, is deliberate and not accidental, which causes serious mental or physical suffering or injury or constitutes a serious attack on human dignity*".

Another concept that would benefit from clarification is that of direct participation in hostilities. The more civilians become involved in hostilities – and this is a typical feature of non-international armed conflicts – the more central this concept becomes. A few years ago the ICRC initiated a participatory process in an attempt to better define this concept. The last expert meeting in this process was in Geneva at the beginning of this year and we plan to publish the results in the near future.

International humanitarian law is a dynamic body of law. There is a need to develop more detailed rules in some areas (internment/administrative detention for security reasons and judicial guarantees for example) with recourse to other bodies of law and the jurisprudence, there is a need to clarify which is the applicable law in certain situations (e.g. occupation) and there is a need to examine carefully which concepts may need a preciser definition in today's environment. I cited the example of direct participations in hostilities, on which the ICRC has been working. The concept of combatant function is playing an important role in these efforts. Hugo Slims remarks on civilian ambiguity in his recently published book "Killing civilians" seems to me also of interest in this context. Further examples where we see a need for preciser definitions are the notions of military objectives, proportionality and precautionary

measures in attacks and against the effects of attacks. As far as new legal instruments are concerned, there is a growing momentum today towards a new treaty to address the severe humanitarian effects of cluster munitions. These effects have been well documented in Laos, Iraq, Kosovo and Lebanon, among other places. Cluster munitions not only have long-lasting consequences – killing and maiming, and rendering agriculture impossible in vast areas for decades after the conflict has ended – but all too often they present grave dangers for civilians at the time they are used. The ICRC welcomes the recognition by virtually all major States that have produced, used and exported cluster munitions that their human cost is enormous and that this must now be addressed. As you know, there are currently two frameworks in which the States are discussing this issue: the Convention on Certain Conventional Weapons and the so-called Oslo process.

The ICRC is firmly convinced of the urgency of prohibiting, by means of legally binding rules, the use of inaccurate and unreliable cluster munitions, which have killed or injured tens of thousands of civilians in war-affected countries. It will continue to lend its expertise to both processes to the extent judged useful by the participating States, and will contribute to the development of the strongest possible protection for civilians.

Excellencies,

Ladies and Gentlemen,

The ICRC faces many challenges in its operations in the field, some of them related to the law itself and some of them to other dimensions of its work.

I would like to start with a brief review of the ICRC's main operations. In 2007, for the fourth consecutive year, Sudan remained ICRC's biggest operation. This year's planned expenditure exceeds 100 million Swiss francs. Our focus has been and remains on Darfur's three provinces, though we are also present in Khartoum and in southern Sudan. As one of the few humanitarian organizations working outside urban centres in Darfur, the ICRC focuses on aiding more than half a million nomadic people and people living in rural villages in order to prevent further displacement to already crowded camps. In order of size, our other large operations in 2007 were Iraq, Israel and the occupied territories, Afghanistan, Somalia, and the Democratic Republic of the Congo. To give you an idea of the scale of our assistance and protection work, here are a few figures. According to our preliminary figures, worldwide ICRC activities in the field of water, sanitation and construction benefited more than 14 million people. Our delegates distributed food to around 2.5 million people and essential household items to close to four million people. More than 100,000 surgical operations were performed in hospitals supported by the ICRC. Last year, ICRC delegates visited more than half a million detainees, monitoring close to 37,000 of them individually. Close to half a million "Red Cross Messages" – brief personal messages to relatives – were delivered in order to restore or maintain family links between people separated from their loved ones by battle lines or prison walls.

The ICRC is an organization dedicated to effective action in the field, from the initial assessment of needs through to the last phase of its response to those needs. The first operational challenge faced by the ICRC is to obtain access to the people who are suffering because of the armed violence – to better understand their needs, to

bring a measure of reassurance and protection through its presence, and to take concrete action in their behalf. Gaining and maintaining this access while minimizing the security risks is one of the two main operational challenges faced by the ICRC. The other, which I have already discussed, is to ensure compliance with international humanitarian law. Despite a number of areas off limits to us – exceptions we deplore – the ICRC is the humanitarian organization with the greatest access to theatres of conflict across the globe. All this means that both the ICRC as an organization and the activities it carries out are in most contexts accepted both by the parties to the conflict and the beneficiaries themselves. This can be attributed to a large extent to the organizations' will and ability to remain in close contact with all parties to the conflict, a task often made extremely difficult by the fragmentation I mentioned earlier, in Darfur, Somalia and Iraq for example.

What, in our experience, are the things that help the ICRC gain that acceptance? Some have to do with our operational capacity. The ICRC's presence in an area creates expectations that must be met. If you're there, you have to deliver. We therefore constantly strive for the most rapid deployment possible and maximum effectiveness. Another key to acceptance is our strict adherence to the principles on which our work is based, namely action that is exclusively humanitarian and carried out for all those in need, in an independent and neutral manner. Our organization needs to have a clear and distinct identity that is perceived by the various parties involved, in particular by all parties to the conflict. Projecting a clear identity to the outside world has become even more important with the growing number of actors in the humanitarian field. This explains why the ICRC is not participating in operations for which the mandate goes beyond the exclusively humanitarian.

The ICRC's neutrality and independence also enable it to play the role of neutral humanitarian intermediary in a range of situations. In the past year, the ICRC has been able to facilitate the release of captured civilians and fighters and the return of mortal remains in Afghanistan, Ethiopia, Sudan, Niger and Colombia. We have also continued to bring about the repatriation of civilians and prisoners of war, in various contexts.

I would like to touch briefly on three other challenges facing the ICRC.

This first is coordination with other humanitarian entities. Coordination is needed to avoid gaps and duplications in humanitarian aid, gaps above all. One must nevertheless not be blind to the fact that coordination is also consuming resources. While maintaining its distinct identity, the ICRC coordinates its operations with other entities engaged in relief operations. This coordination must however be based on actual capacity in terms of staff and logistics and on effective access to the field – not on dreams or ambitions. It must be geared to action and based on realities in the field.

The second challenge is public communication. High-quality public communication from the ICRC is crucial if it is to gain support for its operations and for international humanitarian law. Of course, support is mainly won through effective humanitarian action in the field. In today's world, however, we must accept that support also depends on public perceptions. And, like news, perceptions travel fast. It is difficult to put across the message that reality is highly complex. The ICRC favours confidential

bilateral dialogue over public advocacy, and seeks to work over the long run rather than to make headlines. When the media turn the spotlight on ICRC operations, it is not always easy to convince all those in contact with the organization that the ICRC is remaining faithful to its confidential approach. An even greater challenge regarding public communication is to ensure it is consistent whenever you engage in it and whatever the geographical location concerned. For an organization with a global reach, this is the only way to effectively uphold its public reputation of being coherent and therefore predictable. To give but one example, if you decide to make a public statement on the conditions of detention in one situation, you must make sure that you are prepared to do the same thing regarding other situations featuring the same or similar conditions, always bearing in mind that whatever you do must be in the interests of the people you are trying to protect.

The third challenge is credibility. To be credible your operations must be consistent and predictable – once again – both over time and whatever the geographical location involved. What you do – or do not do – in the Gaza Strip or in Darfur, for example, will be observed and analyzed in comparison with other places in the world where the Organization is present and active. The same holds true for what you say publicly or do not say publicly. Unless you are willing to jeopardize your acceptance by the beneficiaries and the authorities, or international support for your operations, you have to do what you have promised to do. You also have to be clear about whether you are reaching the people who need your help even when they are in remote and unsafe areas. Finally, it is essential for your credibility that the information you use both in bilateral, confidential dialogue and in public communication is serious and accurate, and based on your own assessment.

Excellencies,

Ladies and Gentlemen,

I have described some of the challenges that ICRC and international humanitarian law are facing in their endeavour to limit the suffering of people affected by armed hostilities. I have chosen those that seem to me most relevant in today's conflicts. I would like to conclude by stressing the need for resolute action to improve compliance with the law. This cannot be achieved by any one entity alone. An important role can be played by the various courts, tribunals and UN bodies that some of you represent, as well as by the ICRC and other organizations. But they require determined support, both political and diplomatic, from all States and from the international community as a whole. I am looking forward to continuing this discussion and to hearing your opinions on these topics, now and during tomorrow's seminar.

Thank you.