

Geneva, 31 August, 1993.

DECLARATION OF MEDECINS SANS FRONTIERES ON THE
OCCASION OF THE INTERNATIONAL CONFERENCE FOR THE
PROTECTION OF WAR CRIMES. VICTIMS.

Mister President, Your Excellencies, Ladies and Gentlemen,

I would like to thank the Federal Government of Switzerland for having convoked this Conference and the International Committee of the Red Cross for the preparatory document. Before proceeding, I would like to offer my deepest sympathy to the ICRC on the death of three of its collaborators.

Médecins Sans Frontières is extremely concerned about the real ability of the international community to assist and protect victims of war, both today and in the future. That is why it is calling on all States to take urgent action to guarantee the sphere of humanitarian action. MSF unconditionally supports the initiative of the ICRC to reinforce respect for international humanitarian law in all armed conflicts

Médecins Sans Frontières is an impartial humanitarian organization which brings medical aid to victims of war and its aftermath in accordance with humanitarian law. Working alongside the victims in 60 countries through its six operational sections, MSF experiences the difficulties of ensuring that the most basic humanitarian principles are respected.

As a medical aid organization, MSF has always defended the fundamental and clearly established right of the sick, wounded and civilians to receive help, in accordance with the principles of Article 3 of the Geneva Conventions. In the light of this, MSF's work has been distinguished by an operational boldness, which places medical ethics, access to victims and freedom of speech above diplomacy.

However, its work and methods, although they were proved efficient during the Cold War period, are seriously affected today because both the victims and the aid organizations have become targets for attack. Therefore Médecins Sans Frontières is here this afternoon to state that :

- existing humanitarian law is adequate for providing relief for the sufferings of the victims of conflicts, but
- a clear division of responsibilities between States and aid organizations is a condition, more necessary than ever, if verbal overstatements in regard to humanitarianism are to be changed into concrete actions.

MSF would like to point out that the operational principle of humanitarian law rests on roles, which are clearly separated. The essential role of States is to respect and ensure respect for humanitarian law, and thereby guarantee the existence of a field of purely humanitarian action. The essential role of impartial and neutral humanitarian organizations is to undertake aid work in total independence, and thereby occupy this humanitarian field. In the majority of current crises these roles are neither respected nor carried out.

The bravery of aid organizations can no longer continue to compensate for national and international political failures. It is up to you who are politically responsible to set about restoring this balance; it must be done urgently and it must be effective.

There are many countries where the authorities always refuse access to victims - in the civil wars in Sudan, Angola, Iraq and Liberia the situation is particularly serious. Governments always carry the responsibility for ensuring that this right of access is respected. But this principle is also being belittled by the United Nations within the framework of some of its operations to maintain or re-establish peace. Thus, in the name of peace, the International Community (namely the United Nations and regional bodies) has decided to close the border between the Ivory Coast and Liberia to humanitarian convoys and is therefore directly responsible for NON-assistance to victims. In Somalia, military-humanitarian operations have allowed supplies to reach rural areas, but, again in the name of peace, humanitarian action has been deprived of its impartiality and a part of the population has been deprived of assistance.

Humanitarian immunity must be respected if aid operations are to be carried out efficiently. This immunity should follow from the neutral and impartial humanitarian character of the aid organizations themselves, but the increased number of international operations with mixed humanitarian, political and military objectives blurs this perception so that they have become the victims of this insecurity and confusion of roles.

Since Henri Dunant defined the modern concept of humanitarianism more than a century ago, humanitarian personnel have accompanied armies into battle in order to evacuate and care for the wounded. Since the end of the Cold War, it is armies that have been escorting humanitarian personnel in their peacekeeping efforts and such military involvement in the distribution of humanitarian aid has opened a Pandora's Box. It is also noticeable that the international community seems more concerned with protecting international aid to victims than with putting the same amount of effort into protecting the victims themselves.

These attitudes contradict both the spirit and the letter of humanitarian law. In Bosnia, genocide is being carried out in parallel to largescale humanitarian aid. Ethnic cleansing has resulted in 200,000 deaths, 1.5 million refugees, widespread rape and concentration camps. International humanitarian action serves as camouflage for the inaction of States while war criminals are received by the international community as respectable and credible statesmen.

Médecins Sans Frontières calls on all States to take the concrete measures that are foreseen by humanitarian law in order to ensure that such law is respected:

- The right of impartial humanitarian organizations to take humanitarian initiatives must not be hampered in any way;
- The Geneva Conventions and Protocols that many countries have not already signed should be ratified;
- The competence of the international fact-finding commission foreseen by Article 90 of the First Protocol to inquire independently into serious violations of humanitarian law should be recognized, and
- The principle of universal jurisdiction foreseen by the Geneva Conventions for the trial of war criminals before national tribunals should be applied.

Médecins Sans Frontières calls on the United Nations to make its international policing operations subject to respect for humanitarian law, based on Chapter 7 of the UN Charter; and to provide itself with instruments and procedures to monitor that this respect for humanitarian law is upheld.