

REPORTS AND DOCUMENTS

32nd International Conference of the Red Cross and Red Crescent, Geneva, 8–10 December 2015

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32nd International Conference of the Red Cross and Red Crescent



Interview with Balthasar Staehelin

Deputy Director-General,
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Cross*

The 32nd International Conference of the Red Cross and Red Crescent convened in Geneva on 8–10 December 2015. The first International Conference was held in 1867, and the States Parties to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement now meet regularly in this format every four years. While built on this strong tradition, the 32nd International Conference was in many ways a new event. In this interview Balthasar Staehelin, Deputy Director-General of the International Committee of the Red Cross (ICRC) who oversees the organization of the Conference for the ICRC, tells us what was different about the Conference in 2015 and the progress achieved on the humanitarian issues addressed.

Balthasar Staehelin joined the ICRC in 1993 and has served in the Middle East, Africa and the Balkans, and at Headquarters. From 2002 to 2006, he was Delegate-General for the Middle East and North Africa, overseeing all ICRC work in that region, including the operation in Iraq. He served as Deputy Director of Operations for Policy and Global Affairs from 2006 to 2008. In 2008, he left the ICRC to join the local government in Geneva, where he ran the department in charge of providing social welfare, housing, health and integration programmes for asylum-seekers and refugees. He returned to the ICRC in August 2012 to take up his current position. Mr Staehelin holds a master's degree in history, English literature and constitutional law from the University of Basel, Switzerland.

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* This interview was conducted in Geneva on 5 May 2016 by Elyse Mosquini, ICRC.

Many participants are describing the 32nd International Conference as different. What made it so different?

First and foremost, we saw an unprecedented level of engagement. Participation set new records, with representatives of 169 States, 183 National Societies, the ICRC and the International Federation [of Red Cross and Red Crescent Societies]. More than 100 organizations attended in an observer capacity, including our corporate partners, who attended for the first time. The level of participants was also higher than in recent years, and participants tended to stay through the three days. And perhaps just as important – the high engagement was sustained over many months of preparations. There were also many innovations in the format, which contributed to making this a more open and lively Conference than past editions.

What do you think drove the greater interest?

The high interest was without a doubt generated primarily by the density of relevant, high-stakes content. This included not only a crucial resolution seeking a concrete step toward the establishment of a meeting of States on compliance with international humanitarian law [IHL], but also timely resolutions on Health Care in Danger,¹ sexual and gender-based violence, the protection of persons deprived of their liberty, and the safety and security of humanitarian volunteers. Interest extended beyond the Conference members to the wider humanitarian community, with many organizations attending for the first time.

The early and intensive outreach by the organizers – the ICRC and the International Federation – also helped sustain the interest. Members were able to contribute to shaping the agenda more than a year before the Conference opening, when the first concept note was circulated. The close dialogue continued across multiple platforms over the ensuing months – from meetings of Geneva-based ambassadors and officials in capitals, to meetings and web-based sessions with National Societies, to a completely revamped website.

You mentioned innovations in the format of this 32nd International Conference – what were these, and how did they impact the atmosphere at the Conference?

The Standing Commission, which acts as trustee between Conferences, the International Federation and the ICRC as co-organizers and the Conference Commissioner, seconded early on by the government of Switzerland, shared a conviction and determination that this edition of the International Conference

1 Editor's note: The Health Care in Danger project is an initiative of the International Red Cross and Red Crescent Movement aimed at addressing the issue of violence against patients and health-care workers, facilities and vehicles, and ensuring safe access to and delivery of health care in armed conflicts and other emergencies; see: <http://healthcareindanger.org/hcid-project/> (accessed in May 2016).

should be reinvigorated. At the Conference, this translated concretely into a more dynamic programme, with sessions running in parallel in a number of different formats. Participants could choose among a number of events on different topics happening simultaneously under the single roof of the conference centre.

For example, at one time a participant could choose to participate in a commission on contemporary challenges to IHL or another on the Fundamental Principles, to listen to official statements delivered in the general debate, or to participate in the negotiation of the resolutions. As a new addition we also introduced a series of loosely structured collaborative dialogues on current humanitarian concerns aimed at providing a space for Conference participants to exchange ideas and brainstorm new approaches and solutions. These “Humanitarian Dialogues”, and the “Vision Lab” where they all came together, were fed by voices and perspectives from local communities gathered through a new initiative called Voices to Action that was launched for this Conference. This initiative was also an appreciated vector for National Societies to boost engagement with local communities in the lead-up to the Conference.

In the margins of the official segments, participants hosted thirty-five side events on topics spanning children in detention, nuclear weapons, humanitarian financing, food security and the psychological effects of armed conflict and violence – to name just a handful. Many of these events were draws on their own, and they added tremendously to the energy and the sense of the Conference serving as a major platform for humanitarian debate.

It was a logistical feat to pull this off. And while we recognize the difficulty for the smallest delegations to participate in all discussions, we feel that the choice and diversity on offer at this Conference contributed enormously to the richness of the event.

How do you balance this push for modernization with the long history of the International Conference?

You might think of this as a balance, but the two interests are very much interrelated. The Conference is a unique forum. It is the only gathering I know in which the global community of States, in their capacity as High Contracting Parties to the Geneva Conventions, comes together with other actors to take decisions on matters of common concern – strikingly in the case of the Conference at the formal level, with equal voting rights, whether a major global power or the smallest National Society.

As co-organizer with the International Federation, we are enormously privileged to convene the International Conference. We consider it our responsibility to keep the Conference relevant as an important forum contributing to respect for and the development of IHL, as per the Statutes of the International Red Cross and Red Crescent Movement [the Movement]. The Conference has historically been at the forefront of major developments, including for example adopting four draft conventions at the 17th International Conference in 1948 that

are today the four Geneva Conventions of 1949. More recently, the 26th International Conference in 1995 was an important stepping stone to the adoption of the Ottawa Convention on the prohibition of anti-personnel mines.

It is my hope that the Conference will continue to play this role, paving the way for better and more effective protection for victims of armed conflict as well as natural disasters and other emergencies. To do this we have to keep the event fresh, keep critical issues on the agenda, and keep drawing the high interest we saw at the Conference in December.

The months prior to and following this Conference held a very crowded calendar of major global events, from the Global Conference on Disaster Risk Reduction in Sendai to the Paris Climate Conference and the World Humanitarian Summit in Istanbul. How does the International Conference compete in this space?

We were very conscious of the crowded calendar throughout the preparatory process. I can admit that, especially early in the process, we were concerned the International Conference would be overshadowed. We came to realize, though, that the number of events vying for global attention provided a positive impetus for us both to profile the International Conference and to ensure the complementarity of its debates and decisions with those in other fora.

Looking back now, and in particular after having attended the World Humanitarian Summit, I believe the International Conference was reinforced in 2015. The Movement and, I think, States as well have renewed appreciation for the specific and distinct value that the Conference represents. Its composition and long history, as mentioned before, are two important features. And the character of the Conference as a non-political forum with clear rules in which all debates must be conducted in respect of the Fundamental Principles should not be understated. Many of the more historic decisions taken by the Conference can be credited to this special character – as can the fact that all ten resolutions adopted by this Conference were adopted by consensus.

The outcomes of the 32nd International Conference include the ten resolutions and 215 pledges registered by participants as their individual commitments to action. You mentioned that one resolution which drew great interest by participants was the one on strengthening compliance with IHL. Why has this resolution been so important?

This resolution has been particularly important for at least two reasons. First, I think it is fairly obvious that ensuring better respect for IHL is one of the key issues we need to tackle to achieve better protection for victims of armed conflicts. As a result of the

ICRC's operational presence on the ground, we are all too acutely aware, on a daily basis, of the urgent need to ensure better respect for the rules of this body of law.

The second reason why this resolution drew a lot of interest is because negotiations considered concrete steps towards the possible establishment of a regular Meeting of States on IHL. It should be remembered that the Geneva Conventions, although universally ratified, lack a venue in which States come together to examine how to improve respect for IHL. The 32nd International Conference was the culmination of a consultation process on the subject facilitated by the ICRC and the government of Switzerland. Since the 31st International Conference in 2011, over 140 States participated in consultations aimed at identifying ways to strengthen the effectiveness of IHL compliance mechanisms. I think it is fair to say that the process was unprecedented not only in terms of the numbers, but also regarding the scope and depth of the discussions held.

What has been the outcome of this process? Are you satisfied with the resolution adopted by the Conference?

To be honest, Resolution 2 on “Strengthening Compliance with International Humanitarian Law” adopted by the 32nd International Conference was not what we had hoped for. Members of the Conference were unable to reach agreement on the specific proposals included by consensus. Importantly, however, the resolution recognizes the “imperative need to improve compliance with IHL” and recommends a continuation of the process, which may now be said to be in a new phase. In accordance with Resolution 2, it will be a State-driven, intergovernmental process based on a number of agreed principles. It is probably the best that could be obtained under the circumstances.

This means that States now have a far greater responsibility for the work ahead and must take ownership of it going forward. It is crucial that States be genuinely involved in the process, being conscious of their collective responsibility to find credible answers to the important challenges that we need to address. Needless to say, both Switzerland and the ICRC will continue to facilitate the discussions and contribute to the best of their abilities to a meaningful outcome.

A second resolution aimed at protecting victims of armed conflicts focuses on strengthening IHL protecting persons deprived of their liberty. What were the key challenges and achievements in negotiating this resolution?

As with Resolution 2 on strengthening compliance with IHL, Resolution 1 on strengthening protection of persons deprived of their liberty marks a significant milestone in a multi-year process. Since 2012, the ICRC has pursued research and

facilitated consultation and discussion among States and other actors on how to strengthen the protection of persons deprived of their liberty in relation to non-international armed conflicts. These consultations included four regional meetings – held in Costa Rica, Malaysia, South Africa and Switzerland – that identified the main protection issues to focus on, two thematic consultations that sought to pinpoint the humanitarian challenges and possible solutions on detention in relation to non-international armed conflicts, and one meeting of all States to consolidate the knowledge gained and discuss the way forward. The reason for leading such a broad consultation process is the great protection need of persons deprived of their liberty: between 2011 and 2015, the number of detainees that the ICRC visited rose from 540,000 to over 900,000, and every case comes with an inherent human cost and creates vulnerability. At the same time, IHL norms to protect those deprived of their liberty in relation to non-international armed conflict are rather sparse.

Resolution 1 changes the character of the process from ICRC-facilitated consultations towards State-led work with the goal of producing “one or more concrete and implementable outcomes”. As you see from this language, States have not yet agreed on the exact form a potential outcome shall take. What is clear, however, is that it will not be a new treaty; our work going forward will focus on the development of a non-binding outcome to strengthen protection of persons detained in relation to non-international armed conflict. It will now be primarily upon States to determine more concretely what sort of outcome they aim at.

Beforehand, States will have to agree by consensus on the modalities according to which they want to proceed. The ICRC has maintained its mandate to facilitate the work of States on this process, and is willing to continue performing this role. Moreover, the International Conference invited the ICRC to contribute its humanitarian and legal expertise to the process, which provides us with the opportunity to stress, time and again, the humanitarian needs at stake.

Health Care in Danger is another topic that we’ve seen develop from its first appearance at the 31st International Conference in 2011. Why was it brought back to the Conference and what were the achievements this time around?

The 31st International Conference effectively launched the Health Care in Danger project, placing the issue – the need to protect the delivery of health care and stop attacks – on the global agenda. That Conference also mandated the ICRC to initiate consultations on practical recommendations and to report back to the 32nd International Conference.

Thanks to the solid work that took place in the intervening years, we saw a constructive and positive engagement on this topic by States, the Movement and observers – including members of the health-care community with whom we have worked closely during these years.

The resolution adopted by the 32nd International Conference is robust and constitutes a strong basis for continued cooperation among a wide range of stakeholders to address the humanitarian consequences of violence against health-care facilities, patients, personnel and transports. Key recommendations from the expert consultations over the previous few years were confirmed as the basis for further work to promote preparedness to address violence against the delivery of health care.

Strikingly, the resolution was strengthened through the negotiation process in the drafting committee, which added new language reinforcing the key elements. This included, for example, language calling on the Movement to continue supporting and strengthening the capacity of local health-care facilities and personnel, thus reinforcing the fact that local health-care providers are too often affected by violence against the delivery of health care.

You described the International Conference as having placed the issue of attacks on health care on the global agenda. Four years later, what progress can we expect on this critical humanitarian issue?

Among the most notable features of this topic is how much traction it has gained among such a wide community of stakeholders in such a short time. There is important complementarity between our efforts at the International Conference, with the national-level focus we took there and the resolutions adopted in other fora – including the World Health Assembly and more recently the resolution of the United National Security Council [UNSC Res. 2286].

The downside is of course that this global attention is due largely to the dreadful reality of just how common attacks on health care are today. But I am hopeful that as a result of the commitments made at the International Conference, including the seventy-five individual pledges by States, by the Movement, and by more observer organizations than ever before on any other topic, we will see improved respect for medical facilities and personnel and for the international law that protects them from attack.

Is there one more resolution that stands out for you as a major achievement?

The resolution on sexual and gender-based violence certainly represents a major achievement – both on the level of substantive content and for the symbolism of a resolution jointly tabled by the International Federation and the ICRC. The text was challenging in both drafting and negotiation, but it is highly significant that it condemns sexual and gender-based violence in all circumstances, including in armed conflict, disasters and other emergencies.

A lot has already been done on sexual violence in armed conflicts in other fora. What did the ICRC aim to achieve in seeking a resolution on this issue by the International Conference?

Indeed. Fortunately, much has been done in the past years – by the UN, regional organizations, international courts and tribunals, individual States and others – to put sexual and gender-based violence [SGBV] on the international agenda. Aspects were addressed at previous International Conferences as well.

However, sexual violence in situations such as armed conflicts remains an appalling reality, and there is increasing evidence of SGBV in disasters and other emergencies. The ICRC and the International Federation therefore thought it timely to submit a draft resolution specifically dedicated to SGBV to the 32nd International Conference, making use of the unique forum of the International Conference and the respective responsibilities, mandates and experiences of the Conference members.

Sexual violence in armed conflict is also an ICRC institutional priority. How will the resolution aid in the ICRC's work – and that of the Movement more broadly – on this issue?

The prevalence of sexual violence in armed conflict is alarming. It therefore cannot be underlined enough how important it is that the resolution recalls existing provisions of IHL that prohibit acts of sexual violence in armed conflict, that it underlines the need for States to comply with their relevant obligations to put an end to impunity, and that it calls upon States, again pursuant to legal obligations, to make every effort to fully integrate the prohibitions in the activities of their armed and security forces and detention authorities. The multidisciplinary response required to effectively address SGBV is also recognized in the resolution; for example, in underlining the need for unimpeded and ongoing access to non-discriminatory, confidential and comprehensive care – health, physical rehabilitation, psychological and psychosocial support, legal assistance, socio-economic support and spiritual services – in order to ensure the dignity and safety of victims/survivors.

As such, the resolution will be an important reference for the ICRC as we continue our efforts to better prevent and respond to sexual violence in the situations falling under our mandate in a multidisciplinary way. We also stand ready to support States, especially in integrating and implementing the prohibitions existing in IHL. For its part, the International Federation will soon undertake new research on how SGBV is addressed by disaster risk management law and policy. National Societies can also play an important role in addressing SGBV through their close links to communities. The Movement is well placed to engage on this issue at a local level and support the development of activities through a community-based approach, including working to address the primary

prevention of SGBV. National Societies' recognized role as auxiliaries to the public authorities in the humanitarian field means that they can be key agents of change in advocating for SGBV to be addressed and supporting authorities in doing so.

The Movement's global network also fosters strong partnerships, and there is the potential to generate closer ties within the Movement in this regard in order to provide enhanced technical support and capacity-building, and to share expertise, knowledge and resources.

You mentioned next steps on some key resolutions. What else should we be watching as we look ahead to the next International Conference in 2019?

In addition to the specific processes already in motion on the resolutions adopted by the 32nd International Conference, participants registered more than 200 pledges representing their voluntary commitments to action in the coming years. We will surely be working over the coming years to see that these outcomes result in tangible impact on the ground – mobilizing our own efforts as a Movement, together with States and other humanitarian partners.

Very much in complement to this, we will also build on what we achieved in 2015 in positioning the International Conference as an important forum for exchange on humanitarian issues and critical concerns. From the richness of the agenda to the diversity of the programme formats, the next International Conference will offer an array of opportunities for meaningful engagement among Conference members and the wider audience of participants.

One feature that won't change is that the Conference will continue to be anchored by the practical work carried out by National Society staff and volunteers, and the broader Movement around the world, every day. Rather, by strengthening the link between the conference hall and the field, as well as boosting the opportunities for connection and exchange among participants, we aim for real improvement in the humanitarian situation on the ground.