

Speech given by ICRC president to the African Union Peace and Security Council

Speech given by Mr Peter Maurer, ICRC president, to the African Union Peace and Security Council, on involuntary displacement and migration and the obligation to respect international humanitarian law, 19 October 2016, Addis Ababa, Ethiopia.

Check against delivery

Madam Chair,

Honorable members of the African Union Peace and Security Council,

The African Union Commissioner for Peace and Security,

Excellencies,

Ladies and gentlemen,

It is a pleasure to be back here in Addis Ababa with you, and to meet with you as the members of the African Union Peace and Security Council now for the fourth time.

The AU remains a very important partner for the International Committee of the Red Cross (ICRC) and I appreciate your continued commitment to peace and security in Africa, including through addressing humanitarian crises and challenges. I am particularly pleased that the cooperation agreement between our organizations continues to bear fruit and that the working relationship with the ICRC delegation to the African Union remains strong and broad, ranging from the protection of internally displaced persons (IDPs), children and detainees to victims of sexual violence and health personnel and facilities.

Both this Council and my organization work in the broad area of needs and rights, both with the aim to provide mitigating measures to different forms of suffering. It is in this respect that our work sometimes overlaps,

that our cooperation is crucial, and that our preoccupations are shared. For the ICRC, as a humanitarian organization, it remains clear that humanitarian problems require political solutions. I cannot stress how important it is that political solutions to armed conflict are explored with maximum resolve, and here, the PSC plays a unique role.

If we take a moment to look at which themes have shaped the international debate since I was last here in 2014, three issues clearly stand out for me:

- Involuntary displacement as a consequence of violence, fragility and conflict,
- Respect and violations of international humanitarian law,
- And the challenges of overcoming the traditional divide between humanitarian and development work in today's protracted conflicts.

I would like to discuss these three themes and particularly the African dynamics and iterations of these challenges with you today, and I look forward to hearing your views, too.

Involuntary displacement and migration

Be it at the United Nations General Assembly, at conferences of the European Union, or on the agenda of the African Union as well as of this very Council: Involuntary displacement and migration are defining dynamics of our times, and they continue to shape national and international policies and debates. I am not speaking of voluntary migration, of people seeking new opportunities abroad, I am speaking of the growing number of people who feel forced to flee their homes, because of violence, insecurity and destruction.

For the ICRC, the current debate around involuntary displacement is neither new nor surprising, as we work in many of the places of origin of displacement.

Yet while the dynamic isn't new, it is reaching worrying dimensions: more than 65 million people were Involuntarily displaced in 2015, of which

roughly one third are refugees, with two thirds – the clear majority – being displaced in their own country, often multiple times. Those countries that host most refugees are exclusively countries neighboring conflict-affected nations, like Ethiopia itself, Kenya, Uganda, or Chad. As conflicts continue to last, so does displacement of those who fled in fear, and by extension so lasts the uncertainty and insecurity that come with it. The top 11 conflicts in the world have created dynamics where people are now displaced for an average of more than 30 years, or half a lifetime.

The ICRC works in both the countries in which displacements originate and into which people flee. We aim to assist internally displaced persons and their host communities and to support migrants on their journeys, often together with national societies of the Red Cross and Red Crescent movement, to ensure they have access to minimal healthcare, and that they can get in touch with their families.

The sky-rocketing human costs of involuntary displacement, but also the exorbitant financial costs, pushing the humanitarian response along migration routes and even in rich host countries to its limits, underlines the need for political solutions to the conflicts which prompt people to flee their homes.

Besides conflict-related violence, political tensions, food insecurity, natural disasters, climate change and the lack of basic services contribute to accelerating and increasing migrations.

Migrants face high levels of vulnerability and protection risks during the various stages of their journey. A considerable number of migrants are left "stranded" in war-torn countries, others are held in prolonged detention for irregular entry or stay in a country. Due to their administrative situation, migrants are often denied access to health services, housing, legal assistance and education, which further increases their vulnerability.

And year after year, significant numbers of migrants perish on the journey from their country of origin to their final destination while others get seriously injured or undergo great ordeals. Moreover, an unknown number

of migrants go missing along the entire migration route, with their locations never traced and their bodies never found. Families are left in the despair of not knowing the fate and whereabouts of their loved ones.

At the national level, there are a number of aspects and measures related to the protection and assistance of migrants where the ICRC already cooperates with AU member states. These areas include: respect for domestic and international law, in particular, the principle of non-refoulement, using administrative detention as a measure of last resort, undertaking early identification and assistance of the most vulnerable individuals, taking measures to prevent family separation, preserve family unity and to support families in their search for missing relatives and in the clarification of their fate and whereabouts.

The African Union, as a continental organization and as the beholder of legal and humanitarian affairs on the continent, is in a unique position to shape policies in response to the migration dynamics we are witnessing today.

The ICRC believes that such policies should be driven, first and foremost, by humanity and should focus on the dignity, and safety of migrants, to alleviate and avoid suffering. To this end, State policies must uphold migrants' rights and of course comply with international and domestic obligations. And while some States may have legitimate security concerns, these must be balanced against humanitarian considerations. Ultimately, these must be the decisive factors shaping migration policies and procedures – and their implementation – at the international, regional and national levels.

In this regard, the AU can play a role in strengthening the continental frameworks, as well as creating cohesion between existing sub-regional frameworks. The ICRC stands ready to support you in this regard, based on our experience and expertise.

Beyond the issue of transnational migration, the fate of millions of people who are internally displaced in their home countries is deeply worrying.

More than 40 million people worldwide are concerned; Africa is home to nearly one third of them.

I just visited Niger, where internally displaced people now outnumber host communities 20-fold in some places of the Lake Chad Basin. There again, I saw the tremendous generosity and hospitality of both host communities and countries. As everywhere, the true first responders to any emergencies are the local people.

Just this year, we have provided assistance to more than 1 million people in the region but needs are continually high, while aid is chronically scarce. As one of the main humanitarian actors on the ground we are trying to scale up our operations to respond to the needs of people.

Similar to Nigeria in scale, continued fighting in South Sudan has resulted in over 1.6 million IDPs, or 15% of the young country's total population. Libya has growing numbers of IDPs too, often people who have been displaced multiple times and who continue to live in deep insecurity and with significant humanitarian needs. I know that a delegation of this Council will travel to South Sudan later this month. I look forward to the outcomes of this field mission, particularly relating to the humanitarian situation in the country.

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, – the Kampala Convention – stands as the world's first ever legally-binding instrument on internal displacement. The Convention has represented a significant step forward in reaffirming the rights of IDPs and the corresponding obligations of State parties to prevent and address internal displacement.

As you know, the ICRC has actively supported the Kampala Convention from the outset. We were involved in the process leading to the drafting and adoption of the Convention in 2009. Since the Convention's entry into force in 2012, we have promoted the Convention and engaged with the African Union and its Member States in providing technical advice as well as operational perspectives on measures to domesticate the Convention

and ensure its practical implementation.

This year, we carried out a stocktaking exercise in around 30 African countries to identify lessons learned, good practices and key challenges in States' efforts to effectively implement their obligations related to protecting and assisting IDPs, as provided in the Kampala Convention. Our aim in undertaking this exercise is simple: to help enhance the concrete impact of the Convention to prevent displacement caused by armed conflict and other situations of violence and improve protection of and assistance to IDPs in Africa.

In September this year, this stocktaking process concluded in a consultation meeting gathering Permanent Representatives of AU Member States, Regional Economic Communities (RECs) and the AU Department of Political Affairs. The objective of the meeting aimed at integrating the views of Member States on the preliminary findings of the study and the corresponding recommendations.

This morning, I am pleased to present here at the African Union Headquarters the final report, summarizing the outcomes of the ICRC stocktaking exercise on the Kampala Convention.

We recommend that States ratify the Kampala Convention and follow-up with the adoption of normative, policy and concrete measures at domestic level as necessary to translate the Convention into practice. This can make a substantial difference in the lives of IDPs in Africa.

The experiences made around the implementation of the Kampala Convention can also serve as inspiration for States beyond Africa. I therefore encourage you, the AU, RECs, Member States and other international organizations concerned to promote greater sharing of experiences on the protection of IDPs not only among African States, but also globally.

International humanitarian law

Excellencies,

Let me turn to the law, or more precisely to the obligation of respect of international law.

It seems to have become fashionable to lament the erosion of international law and its protective capacity. I would argue the contrary: never has the normative legal framework been so strong and comprehensive, never before have there been so many opportunities to build and strengthen mechanisms to review the law's implementation and respect.

The paradox is one of perception.

It is precisely because the law has never been stronger, that we are more sensitive to violations and transgressions, and rightly so. It is because we know its protective capacity that we are so outraged when it is violated, when civilian communities are involuntarily displaced or trapped in lengthy sieges, when schools are unlawfully attacked, when detainees are denied procedural safeguards, kept in inhumane conditions, tortured or summarily executed.

When international humanitarian law is not respected, life – dignified life – becomes impossible.

When fundamental human rights are not respected, people lose hope.

The best way to counter the long-term impact of protracted conflicts, which can affect whole generations of whole nations, is to prevent violations of international humanitarian law and international human rights law.

It is the role and responsibility of States, to maintain, to protect and to support public services, even – and above all – in times of war and violence.

The vicious cycle of poverty and violence, spins faster when basic infrastructure is destroyed, when access to health care is made impossible and when all the basic necessities for dignified human life are

denied.

And let me be clear, we see outrageous violations across conflicts in the world. Targeted attacks of civilians, civilian infrastructure, health facilities and personnel.

In this context, I particularly appreciate the commitment demonstrated by the AU Peace and Security Department at the Roundtable convened last May on Common Article 1 of the Geneva Conventions stipulating "The Obligation to Respect and Ensure Respect".

As you are aware, the ICRC is continually engaging States but also all weapon bearers on the importance of respecting IHL in armed conflicts. We aim to engage parties to conflicts in countries across Africa, from Mali to Somalia, and South Sudan to the Central African Republic, on the importance of the issue, to avoid and alleviate suffering.

Peace support operations are one example where we see the benefits of close collaboration on the respect of legal norms. I know that the AU, RECs and member states have made considerable efforts in developing an effective military response mechanism to armed conflicts and other situations of violence, reflecting the laudable determination to address African problems with African solutions.

This isn't always easy, but it is necessary. The African Standby Force (ASF) for example, once operational and deployed, will need to function in compliance with applicable international legal obligations relating to IHL, IHRL and international refugee law.

I look forward to hear your views on the process of preparing the Humanitarian assistance and natural disaster support (HANDS) guidelines on the role of the ASF, and I hope that the ICRC's contribution will have been useful.

There are countless examples of fruitful technical cooperation between our organizations. I know that colleagues of mine also contributed to the 2016 Second Technical Planning Session of the African Union Police

Strategic Support Group (AU PSSG) and provided input to enable police components of PSOs to comply with international human rights standards on the use of force.

Similarly, an important field training exercise, AMANI AFRICA II, was organised in South Africa late last year, under the umbrella of the AU, with the aim of verifying and validating the AU's capacity to mandate, deploy, manage and sustain a Rapid Deployment Capability of the ASF, ahead of a full multidimensional Peace Support Operation. The earlier the notions of respect for the law are integrated in guidelines and SOPs, the better, this is our recurring conclusion from such experiences.

But there are also some examples where we would wish for swifter progress. The implementation of the standard operating procedures on detention with AMISOM remains somewhat challenging, for instance, despite consistent dialogue.

Beyond PSOs, we have also closely followed the recent developments pertaining to the financing of the African Union, as well as the African Peace Fund. We commend the initiative of the AU towards financial independence and the adoption of the recommendations of the Kaberuka Report which will have a positive impact on the effective implementation of the African Peace and Security Architecture (APSA) Road Map. The implementation of the Road Map will enable the operationalization of continental peace instruments and strengthen systems for compliance, also with international humanitarian law and international human rights law. Today, I would like to reiterate our willingness to maintain and further strengthen our partnership with the AU in this regard.

We also stand ready to reinforce the confidential dialogue with the AU on the humanitarian impact of current peace operations in Africa.

As part of our ongoing confidential dialogue with authorities and weapons bearers, we continue to emphasize the prohibition of sexual violence under International Humanitarian Law, and that States must criminalize these violations under domestic law, effectively investigate and prosecute

any instance of sexual violence. We have therefore stepped up our efforts to provide training support for weapons bearers on International Humanitarian Law with a specific focus on sexual violence, and stand ready willing to support the AU in developing pre-deployment training in this regard.

Meanwhile, sexual violence continues to be pervasive in armed conflicts in Africa and across the world. Due to both the urgent and long-term humanitarian needs of survivors, over the last few years we have expanded the number of our programs aimed at responding to the needs of victims of sexual violence who besides physical and psychological wounds face risks of stigmatization and further harm and attacks.

We therefore work proactively to address sexual violence through our multidisciplinary approach in DRC, CAR, Mali and South Sudan, ensuring that victims are not further harmed or stigmatized when they seek help. We aim to combine primary health care, mental health and psychosocial support with activities to foster the resilience of survivors through livelihood support and risk reduction activities at the community level. Sexual violence is not an inevitable consequence of war, it is an unacceptable deviation. We are ready to work with the PSC to contribute to the prevention of these crimes.

Related to the respect for law is the treatment and living conditions of detainees. In 2016 the ICRC visited more than 250 000 detainees, in over 400 places of detention, in 32 African countries.

Detainees are always vulnerable, but in too many countries they are particularly vulnerable because they are lost in a legal limbo due to overloaded courts or administrative bodies, and weak detention systems. In some cases, detainees do not receive enough food, leading to malnutrition. Many are held in severely overcrowded and dilapidated facilities and have limited access to water, hygiene, health care, even fresh air and light.

Nelson Mandela, who himself received ICRC assistance while detained on

Robben Island, once wrote: "It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."

As you know, the ICRC follows a multi-sectoral approach in detention, covering, among others, health, buildings and sanitation, nutrition and prison management. We engage with various stakeholders to identify and address gaps. Over the last ten years, the volume of ICRC detention-related activities in Africa has almost doubled, in an effort to better address not only the most basic needs of detainees but also to help the systems responsible for them to develop. However, sustainable solutions to those challenges are slow in coming. They need more commitment from the States, who are ultimately responsible for the well-being of those they decide to detain.

In the past 20 years the AU has developed many guidelines intended to improve the situation of detainees: on alternatives to detention, health in detention, access to justice, prevention of ill-treatment, etc. The 'Luanda Guidelines' on conditions of arrest, police custody and pre-trial detention adopted by the African Commission on Human and Peoples' Rights in 2014 are the latest example of investment by AU member states in texts which clearly signpost the way towards a functioning and humane detention system.

The ICRC stands ready to do its part in making the humane detention system envisaged in AU guidelines a reality. We are prepared to further enhance our cooperation with the AU and member states in order to address, the practical needs of detainees but also the needs of the systems responsible for providing for them. There is no easy fix to the current challenges, but it is very clear that more could be done to improve the way detainees are treated.

Bridging the humanitarian/development divide

Excellencies,

I would like to turn to the effects of protracted fragility, violence and conflict, and how they relate to both humanitarian and development work.

Humanitarian aid was once conceived as emergency operations in short-term crises. That is no longer the case. The new normal has settled in and it is decade-long conflicts, with massive impact on the civilian population. Infrastructure is destroyed, health, electricity, water and education systems are all but wiped out; cities with populations in the millions are systematically demolished.

The longer that wars last, the higher the probability that civilian infrastructure – particularly in urban environments – is affected by partial or total destruction. In this logic, we see situations - in African countries and around the world - where decades of development gains are halted and, ultimately, wiped out.

To respond to people's needs, humanitarian action has evolved from a temporary fix to a long-term safety net. We often sustain vital services like health, urban water supply, power systems and even prisons, over the long-term.

In Somalia for example, we repair and install water infrastructure, and train local community representatives in basic maintenance, to ensure long-term access to clean drinking water and irrigation. This is particularly relevant within the current fragile food security situation, when large parts of the Somali population already suffer from precarious access to basic services.

Let me add here that this year is a defining moment for Somalia, given the upcoming elections and the ongoing regional peace process. It is therefore vital that the PSC consider this important matter with due regard to humanitarian consequences.

Whether water infrastructure in Somalia, cattle vaccines in South Sudan, or micro-credit initiatives in Nigeria: the reality is that our work already covers both the immediate, and the long-term. It's how we try to respond

to the actual needs of people, by bridging the gap between traditional humanitarian emergency operations and long-term stabilizing development effects, always in respect of the humanitarian principles.

People living through armed conflicts, like all people, need infrastructure and services that function. I think we should be pragmatic in this respect too, and focus on the needs of people, and the capacities and skills of those who are present rather than obsessing over mandates and budget lines which are the last concern for those affected.

Education is increasingly becoming part of the issues that must be addressed in armed conflicts. Just this week in Niger, I again saw scores of children who haven't gone to school for years now.

Particularly in the framework of lasting displacement, we need to reconsider how minimal education can be guaranteed, even during ongoing fighting.

I know that the PSC dedicated two sessions to education in situations of emergencies this year, on 'Attacks Against Schools' in May, and on 'Securing Access to Education for Refugee and internally displaced children' in August. This stands as a testament to the AU's commitment to keep safe access to education as a matter of priority while addressing peace and security concerns.

For the ICRC, this issue is a priority and I look forward to hearing your views and experiences about it, and discuss how our two organizations could possibly cooperate on the matter.

Closer cooperation between local and international actors, within and beyond our Movement, can add further experience, insight and knowledge to our operations. We often hear that aid must be local.

Yet in the Red Cross Red Crescent Movement, and working closely together with national societies in practically all African States, as well as with the specific local and national expertise contributed by our own staff, we know for a fact that the complementarity of local and international is

what allows us to work and to ensure we respond – to short-term emergencies and protracted conflicts, to chronic fragility and raging conflicts alike – to the best of our ability.

Conclusion

Excellencies,

From the socio-political violence in Burundi - where some of you travelled to earlier this year - or in the Central African Republic, to the chronic insecurity in Libya, the DRC or Somalia, to the massive scale of displacement in South Sudan and the Lake Chad Basin, humanitarian consequences are severe, and millions of people suffer. I mention these countries because they constitute a major part of our operations in Africa, where we often maintain constructive dialogue with authorities and all weapon bearers willing to facilitate our work. It is no coincidence, but a reflection of our priorities, that around 40% of the ICRC's field budget is dedicated to operations in Africa.

As you know, 2017 is a year in which the AU will dedicate a special attention to African Youth. In relation to this, the ICRC stands ready to help build momentum around solutions to humanitarian issues impacting youth. We stand ready to contribute to the implementation of the AU continental framework on the protection of the rights and welfare of the child, particularly relating to safe access to education in situation of armed conflict and other situations of violence, Children associated with armed forces and armed groups as well as children in detention.

There is great complementarity in the approaches of the AU and the ICRC in addressing these humanitarian challenges, and I would like to thank you for the AU's consistent engagement to address the crises faced on the African continent as well as your support for ICRC operations.

The AU agenda 2063 is further proof of your ambitious, yet committed engagement to progress for the people in Africa, and I assure you that the ICRC will contribute its part through neutral, independent and impartial

humanitarian action.

Our humanitarian action and diplomacy are geared towards ensuring that human dignity and life in armed conflict and other situations of violence remain at the core of any policies, programs, frameworks addressing peace and security.

Reinforcing the ICRC's constructive dialogue and partnership with the AU, RECs and member states, on the law and on operations – and I hope you agree with me on this – is the only credible and effective way to achieve such high ambitions.

Thank you.