CHAPTER- 5

SUMMARY AND CONCLUSIONS

This research study is limited to understanding the concept of Refugees Rehabilitation and how it has emerged in the context of humanitarian laws and spread over to various countries. The endeavour has been to analyze the impact of the International Committee of the Red Cross and Refugees Rehabilitation. Refugees across the world have been denied rights in terms of citizenship and right to live. They have been undermined due to various discriminations and being physically displaced internally and externally on account of drought, famine, war, environmental changes and population growth. They have been forced to leave their country of origin and are forced to seek asylum in other countries. The international community needs to intervene for a serious rehabilitation of refugees on humanitarian grounds.

This research has dealt with the case study of Srilanka, Afghanistan, Iraq and Lebanon as the countries have faced the major impact of the refugees on migration and physical displacement of persons mainly due to internal war, ethical and religious disturbances. There is need for better humanitarian laws, which can regulate the community in order to ensure better conditions for the refugees. In this respect certain important treaties, covenants, conventions and agreements, covering areas of refugees rehabilitation have been studied.

This research study has been presented in five chapters starting with the introduction. In the 'Introduction’, the significance of the research topic has been explained and the researcher has also indicated the scope of the study, objectives of the study, relevance and utility of the present study. The hypotheses formulated for the research study and the research methodology adopted has been described in this chapter.

The first chapter covers the Definition of a Refugee, Recognizing Refugees, Refugee Protection System, International Refugee Issue, The mandate of UNHCR, Persons of concern to UNHCR, Refugees Under international law, International refugee law , An Overview of the role of the ICRC, Scope of ICRC intervention, ICRC approach, Organisation and Structure of the ICRC, ICRC protecting and preventing causalities UNHCR's partnership with ICRC and finally the role of international law in protection of refugees have been extensively brought out in the first chapter.
The chapter concludes with the suggestion that there is need for a better cooperation between the UNHCR, ICRC, U.N. High Commissioner for Human Rights, and other Humanitarian NGOs to work together more closely than in the past. The chapter also suggests that refugee rehabilitation principles should include legal rehabilitation, institution building, law reform and enforcement of the rule of law, humanitarian assistance to internally displaced persons and given due importance to the establishment of increased cooperation with international and regional refugee rehabilitation mechanisms. The UN agencies, such as the World Food Program (WFP), the UN Children's Fund (UNICEF), the UN Development Program (UNDP), the World Health Organization (WHO), and the International Labour Organization (ILO) should provide expertise in matters related to refugees with their areas of interest. In addition, NGOs should traditionally play an important role in the implementation of programs for refugees have been suggested in the chapter.

The second chapter sets the strategic orientations and fields of activity for fulfilling the ICRC’s humanitarian mission to protect lives and the dignity of victims of armed conflict and in other situations of violence. It clearly states the values and principles guiding the ICRC’s action and attitudes.

The chapter focuses on the criticisms made by the media and scholars by arguing that the absence of an autonomous resource base for ICRC and the limited mandates and competencies of the organisation continue to limit its response to future refugee crises. The chapter argues that the ICRC’s actions are limited by the practices of states concerning sovereignty, particularly the norms which preclude intervention in the domestic affairs of states. Finally the views of scholars and humanitarians opinions about the ICRC and its weak position to challenge the policies of its hosts even when those policies fail to respond adequately to refugee problems are examined. The chapter also analyses the status of refugees and the role of various organizations engaged in the refugee rehabilitation.

Finally the chapter critically analyses the role of the National Red Cross and Red Crescent Societies in the dissemination of international humanitarian law at university level and its encouragement. The chapter also suggests that the ICRC should prepare the academic staff to teach international humanitarian law and should start working together with those students who have successfully completed their studies. The ICRC should take the initiative to promote the teaching of international humanitarian law at the universities of Asia; the National Societies.
should take over, in accordance with their statutory responsibility to assist with its dissemination. Such efforts have a great potential for strengthening their capacity and building up their image.

The third chapter analyses the role of the ICRC in Sri Lanka and Afghanistan, the chapter throws light on the origins, Independence and Demographics of Sri Lanka, the Ethnic conflict in Sri Lanka, The Civil War, the Resistance of Ethnic, the impact of Civil war and the Humanitarian Impact, Role of the ICRC in Rehabilitations, and the Rehabilitation of the Deprived People. The chapter also covers the controversies between the ICRC and the government and finally the Role of the Civil Society in the refugee rehabilitations. The chapter has brought out the initiative of India in protecting the Tamil refugees in Tamil Nadu and rehabilitations.

It also explains the ethnic breakdown of the population leading to significant reason why the Tamil militancy has a strong geographical dimension and demanding a separate independent state. It also throws light on the Indian origin Tamil populations as descendants of laborers brought from Southern India by the British in the 19th century to work on tea and coffee estates are concentrated in central part of the country and Uwa and Sabaragamuwa provinces. It also lays stress on the ICRC and its presence in Sri Lanka since 1989. It focuses on the Operations protecting and assisting civilians affected by the past armed conflict; visiting detainees and enabling family members to remain in touch; providing water supply and economic security for IDPs, returnees and resident communities; improving access to physical rehabilitation facilities; and supporting military training in IHL. The chapter identifies the role of the ICRC and its failures in protecting the refugees. It also discusses the role of government and other organisations who have denied the protection of the refugees.

The chapter highlights that, India’s initiative in the process of rehabilitation of the Tamil refugees in the refugee camps in India cannot be undermined, due to the political pressures of the government of Tamil Nadu and its political parties, The Dravida Munnetra Kazhagam (DMK) and how the AIADMK has been taken a few initiatives in the midst of controversies in support of the Tamils for which the two parties, have urged the Centre to take “constructive measures” to find a solution to the sufferings of the Sri Lankan Tamil refugees in camps in Tamil Nadu and argues that India has been honest in helping Sri Lanka’s war victims and the rehabilitation of the displaced people, for which it has allocated Rs. 500 crore for the refugees in the Sri Lankan refugee camps. India had already given Rs. 500 crores for humanitarian assistance to Sri Lanka, and set up a hospital in the town Vavuniya, which is staffed with 60 persons that has performed over 20,000 surgeries. The chapter finally suggests that it is not only India’s role in the rehabilitation of the refugees of the Sri Lanka, rather the world community and
different Humanitarian organisations and international NGOs have to play a great role in calming down the Srilankan issue.

The third chapter is also about the role of the ICRC in refugee rehabilitation in Afghanistan, it covers the Demographics and Ethnic Groups, the political process and Foreign relations of Afghanistan, the Soviet Military intervention, Taliban insurgency and the civil war in Afghanistan, Rise and fall of the Taliban, The Refugee Status, Afghan Refugees: Historical Background, Diplomatic and humanitarian efforts of the ICRC and the civil society. The chapter covers various aspects of the refugee status and their rehabilitation, the Origins of Humanitarian Actions, ICRC in Afghanistan and its Rehabilitation Process have been explained.

The chapter examines the Afghanistan's recent as well as past history marked by frequent turmoil. Life in the country had been extremely hard, with the burden of warfare often implied by periods of drought. The previous 30 years of war in Afghanistan have also been brought out in his chapter. There are now over 450,000 internally-displaced people in Afghanistan, including 161,000 who were displaced in the first nine months of 2011 – a 65 percent increase compared to the same period in 2010. Refugees returning from Iran and Pakistan are also vulnerable and continue to face an uncertain future. In addition, vulnerable communities continue to be severely affected by floods, landslides, drought, and earthquakes each year. A drought in 2011 left an estimated 2.6 million people food insecure and how the chronic need for humanitarian aid requires a sustained commitment from the United Nations and international community to address the root causes of poverty has been covered in this chapter.

The chapter also brings out the opinion of the Amnesty International urging the international community to take the responsibility for the unfolding humanitarian crisis, and suggests that “Pakistan, Iran and Tajikistan must reopen their borders and provide protection to Afghan refugees and the international community must offer protection and relief immediately and provide adequate resources to the UNHCR for it to carry out its mandate in an effective manner. The Amnesty has pointed out that neighbouring states have certain obligations under international law. States are prohibited from returning anyone against their will directly or indirectly to another country and how the dangers of serious human rights abuses are been covered.

The Fourth chapter which is devoted to the refugee situation in Iraq and Lebanon provides a brief overview of the scale and characteristics of Iraq’s refugee population as well as their protection and assistance needs in asylum countries. It also reviews their relative impact on neighbouring states and the sustainability of recent returns. It deals with the sixty years of ICRC working in Iraq, discussing about the large number of distressing situations. It is evident
that the current displacement is the largest displacement crisis in the Middle East since 1948. The generally accepted figures include more than 1 million Iraqis in Syria, **450,000–500,000** in Jordan, **200,000 in the Gulf States, 50,000 in Lebanon, 40,000–60,000 in Egypt, 60,000 in the Islamic Republic of Iran**, and another **10,000 in Turkey**. Of this total UNHCR has registered over 227,500, 3 or some 10 per cent of the estimated population of Iraqis in the region.

The chapter also mentions that millions of Iraqis have fled their homes – either for safer locations within Iraq or to other countries in the region – and are living in increasingly desperate circumstances. Iraq’s future will only be secure and prosperous if the needs of the displaced are also considered in all current and future policies and planning have been covered in this chapter.

The chapter covers the criticisms made by the media such as the Aljazeera and other news media about the extreme vulnerabilities among the hundreds of thousands of Iraqi refugees living in Syria, Jordan, and other parts of the region, as well as the millions of internally displaced persons (IDPs) within Iraq, over 500,000 of whom live as squatters in slum areas with no assistance or legal right to the properties they occupy. Currently the Government of Iraq lacks both the capacity and the political will to use its resources to address humanitarian needs. At the same time, the continued lack of security makes it nearly impossible for UN international staff to access the populations in most need of assistance. Local NGOs often have the best connections and access but are not directly funded by international donors are covered.

Finally the chapter suggests how the Members of the International Community, including the European Union (EU) and wealthy Arab States should offer financial support to host countries and the ICRC should make such assistance transparent and monitor program implementation, express readiness to accept resettlement of the Iraqis refugees. It also covers The organisations such as UNHCR, WFP, the UN Assistance Mission in Iraq (UNAMI) and International Organization for Migration (IOM) and their role to earmark UN Trust Fund for Iraq monies to ICRC for aid to Iraqi refugees, and facilitate the Iraq’s Public Distribution System, and provideIraqis with basic facilities. Further the Iraq Government should assume its responsibilities toward citizens turned refugees by assisting them through direct or indirect (through the UN mechanisms or host countries) financial support; cooperation with UN agencies providing food and health assistance; and aid to host countries and humanitarian organisations. Design a mechanism to support refugees willing to return by: ensuring that Iraqi embassies provide up-to-date and objective security assessments on specific areas, along with advice as to whether conditions are favourable for return.
As regards to the refugee situation in Lebanon, the chapter gives a brief account of the Demographics, French mandate and independence, the Political process, the 2006 Israel-Lebanon conflict, the Internal Strife in -2008, The Presence of the ICRC in Lebanon, Rehabilitation of Families, Cooperation with the Lebanese Red Cross, and the role of International Humanitarian Law (IHL) in the process.

The ICRC has been present in Lebanon since the 1967 Arab-Israeli war. It gives priority to providing protection and assistance to civilians affected by armed conflict, in close cooperation with the Lebanese Red Cross Society. It promotes compliance with IHL among the government and armed groups present in the country.

The chapter identifies that the Lebanese government is not fulfilling several of its duties towards the Lebanese people and this includes the basic facilities, it also suggests that their needs an organized Arab plan for helping Lebanese refugees. Lebanon also needs direct support and not one offered through an inefficient government that keeps procrastinating and delaying. Western aid is also urgently needed and Western countries need to coordinate with Arab countries so that this aid reaches its destination fast through an independent relief agency that is known for its integrity. The chapter also suggests how Lebanon needs help to deal with the burden of the Lebanese crisis and to help Syrian refugees who are currently living in deplorable humanitarian conditions.

The chapter also suggests that the Europe has a crucial role to play, not only in finding a solution to the political situation, but also in supporting the refugees, an issue from which it tends to disengage. The financial aid to the receiving countries is currently a priority. The decision to raise EU aid for the victims of the humanitarian crisis in Lebanon from 3 to 10 million Euros is a positive step. But it seems already insufficient as events have overtaken it. This aid aims at funding those people who have been wounded or constrained to flee the violence in the country, and will transit through the European Commission’s humanitarian partners, notably the ICRC and UNHCR have been covered in this chapter.

The chapter finally suggests the national legal framework to be developed and a new operational framework is to be planned for signature between UNHCR, ICRC and humanitarian organisations and the Government of Lebanon. The ICRC believes that providing protection and finding solutions for refugees and others of concern in Lebanon can best be done through a close partnership with the Government, Parliament, the judiciary, the UN Country Team, local NGOs and other partners.
Challenges faced by the ICRC and Suggestions for improved functioning:

The ICRC’s main focus is on improving conditions for people affected by conflict and hostilities, regardless of who they are. It offers assessments of the humanitarian situation in conflict-affected countries around the world, but when it comes to addressing possible violations of international humanitarian laws, it’s very important that ICRC is able to do this primarily in a confidential manner for which the western media has been criticizing the way its confidential matters are maintained.

The ICRC firmly believes that confidentiality is an essential tool, which enables it to reach out and maintain access to people affected by insecurity, violence and armed conflict. Confidentiality is what allows the ICRC to build trust, open channels of communication and influence change.

The ICRC is criticized by the historians, writers and the western news media for its confidential approach to dealing with sensitive issues, such as its work in places of detention and its efforts to ensure that the lives and dignity of civilians and other non-combatants are respected. Critics argue that the organization is too secretive and should share its findings publicly, especially when it comes to conditions of detention and treatment of prisoners.

The fact that the ICRC doesn't speak out publicly on some issues doesn't mean that it is silent. The ICRC is quite tenacious when it comes to following up on allegations of abuse, and it is ready to take its concerns all the way to the top if necessary, including heads of State or government, in order to put a stop to it. It does not share confidential information with the media or other third parties, nor does it consent to the publication of such information, because there is always a risk that its observations could be exploited for political gain or instrumentalized by one side or another.

By discussing serious issues, such as abuse or ill-treatment, away from the glare of public attention, governments and non-state actors are often more likely to acknowledge problems and commit to taking action. The ICRC opts for a behind-the-scenes approach because this has helped to achieve results on many occasions. However, it acknowledges that this is not the only effective method of tackling abuses of international humanitarian law. In the meantime, it's the people who look to the ICRC for protection and assistance, including detainees, displaced groups and families torn apart by war, who bear the brunt of the ICRC’s absence. The ICRC is very careful to ask each person it talk’s to, if they are willing to allow using their name or personal
details in helping them and addressing the issues they describe to the ICRC. This is true for detainees and displaced people as it is for rape victims and child soldiers. The ICRC works to safeguard their information by treating it confidentially. If this data is leaked, it could put them or their loved ones at risk.

The ICRC regularly reminds those involved in conflicts of their obligations under international humanitarian law. From insisting on the need to spare civilians during military operations to facilitating the release of hostages by armed opposition groups, it works very hard to keep up a dialogue with all sides to any given conflict. The ICRC knows that it is a privilege and a responsibility to bear witness to what happens during times of war and conflict, and why courts might want to use its findings as evidence to testify. But, once again, this could endanger those people who have placed their trust in ICRC by telling about their often very painful experiences. If that information becomes public, the victims and their families could face punishment or retribution. This is why the ICRC has developed a long-standing practice of confidentiality. As a result, states cannot ask the ICRC to testify or serve as a witness before their domestic courts. This testimonial immunity has been confirmed by a number of domestic and international tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone. More than 80 countries have also specifically recognised this immunity by treaties or legislation. In addition, the Rules of Procedure and Evidence for the International Criminal Court (ICC) stipulate that the "ICRC retains the final say on the release of its information". No other organizations were granted this privilege and the ICRC feels that its testimonial immunity underscores the importance of confidentiality as the cornerstone of its work.

To ensure that its analysis is as complete and unbiased as possible, the ICRC follows a set of rules when visiting detainees, regardless of the circumstances. ICRC delegates are able to speak in total privacy with every detainee held. This is important because the confidentiality isn't limited to the authorities. If a detainee gives the permission to talk about his or her concerns with the authorities the ICRC will permit to do so, but never without the detainee's consent.

Another important criterion is that ICRC delegates are allowed to conduct confidential discussions with the camp authorities before and after each visit to raise concerns and make recommendations where ever appropriate. The ICRC also individually registers the identities of detainees, which makes it easier to monitor what happens to them and prevent disappearances. Each year, the ICRC visits more than half a million detainees in around 75 countries. These
standard criteria apply in all of the places where ever it visits the prisoners. If restrictions are put on this way of working, it sometimes has no choice but to suspend its work until these rules are once again respected. The ICRC is thus described as a humanitarian, neutral, impartial and independent body organization in adopted by States, such as the instruments of international humanitarian law, and in those, such as the Statutes of the Movement, which have been adopted by States and by the components of the Movement itself (National Red Cross and Red Crescent Societies, International Federation of Red Cross and Red Crescent Societies and the ICRC).

The need for impartiality in the working of ICRC can come into play only within its own particular sphere of activity that is, aiding the victims of armed conflicts and internal disturbances. This means that the ICRC will adopt the same attitude to all parties to the conflict and will be guided solely by the best interests of the individuals covered by that sphere of activity. The ICRC is thus expected to be a neutral and humanitarian body according to the Geneva Conventions and Additional Protocol I, an impartial humanitarian organization.

To remain close to the victims and to communicate with all existing or potential parties to a conflict, the ICRC has developed a network of more than 230 delegations, sub-delegations and offices throughout the world. It works constantly to expand its network of contacts with all weapons bearers, and with those who can influence them. However, such contacts are useless without the capacity to deliver on the expectations created by the ICRC's presence and mandate. It is therefore by being effective in the field and taking action to relieve the suffering of those affected by armed conflict that the ICRC gains its acceptance.

Most recently, the challenge has been to determine to what extent the global “war on terror“ is governed by international humanitarian law. In the ICRC’s view, depending on the facts, some situations may be classified as armed conflicts for which humanitarian law is the appropriate legal framework while others cannot. It is both practically dangerous and legally inappropriate to resort to the laws of war in a situation that does not meet the criteria for their application. 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 struggle against impunity is also an important part of ICRC action. Whenever it
makes a representation to the authority or commander responsible for troops who have allegedly
violated international humanitarian law, it urges them to investigate the incident and prosecute
those responsible. It also supports 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.

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 the ICRC is facing is the fact that 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. 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.

One of the most important operational challenges 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, is to ensure compliance with
international humanitarian law. 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.

The ICRC’s presence in an area creates expectations that must be met. If it is there, it has to deliver, therefore constantly strive for the most rapid deployment possible and maximum effectiveness. Another key to acceptance is strict adherence to the principles on which work is based, namely action that is exclusively humanitarian and carried out for all those in need, in an independent and neutral manner. The 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.

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, it must be accepted that support also depends on public perceptions. 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 to 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, to decide to make a public statement on the conditions of detention in one situation, it must make sure that it is prepared to do the same thing regarding other situations featuring the same or similar conditions, always bearing in mind that must be in the interests of the people trying to protect.

ICRC’s 2011 budget – amounting to 1.046 billion Swiss francs for field operations and 183.5 million for headquarters activities – faithfully reflects the humanitarian needs identified by the delegations in the field and capacity to respond to them efficiently. The organisation is aware of all along that funding their budget would be more challenging for the present year than in previous ones. But the financial pressure on some donor States and the unpredictable violence and unrest in the Middle East have exacerbated the situation. In the past 10 years, however, the
ICRC has been able to count on very strong support from its donors and has obtained quality funding for its field and headquarters activities. The access to those in need, are principled approach and our timely and relevant humanitarian response have enabled the organisation to meet the expectations of people affected by conflict in terms of assistance and protection. This is the key factor that has won the organisation for the ongoing support of donors and will continue to do so.

Despite the difficult environment in terms of growing humanitarian needs and decreasing donor funding, the ICRC is determined to maintain its operational goals as originally set for 2011 and to meet the humanitarian needs arising from armed conflicts and other situations of violence around the world. In order to make this possible, the following measures were taken such as to immediately undertake sustainable measures to prioritize some of field and headquarters activities, and to put others on hold, thus making the best use of the current resources. In other words, the ICRC is working on different scenarios, which include target budget reductions that could reach 80 million Swiss francs for field operations and 3.5 million for headquarters. Even if these reductions take place, the overall revised budget will remain higher than in 2010.

The challenges faced by the ICRC today are in incredibly diverse situations. From Afghanistan to Yemen, Iraq, Lebanon through Somalia, the Democratic Republic of the Congo, or even Brazil, Georgia and India, the staff must respond to extremely diverse humanitarian concerns. Sometimes they have to meet needs where people's immediate survival is at stake – for example of people who are at risk of vanishing after being arrested, or of wounded people in urgent need of vital care. Sometimes the staff needs to take action to preserve the dignity of people harmed by conflict. The ICRC is quite capable of doing what it says it will do. It is entirely geared to achieve what it sets out to do in the field. It is noteworthy that the ICRC has constantly adapted to activities to make them effective and take into account the vulnerability but also the toughness and stamina of those afflicted. The organization, often working in partnership with National Red Cross and Red Crescent Societies, must be capable of responding very swiftly when required to do so by an emergency situation, as it did recently in Afghanistan. It must also be able to carry out its work in so-called "early recovery " periods, i.e. immediately post-crisis, when people need a boost to resume living a relatively normal life.

Another permanent challenge faced by the ICRC is to enter systematically into dialogue with all those who can have an influence on a situation – a dialogue aiming to secure access to
the victims, to make better accepted, but also to get them to alter certain things they do that are
not consistent with international humanitarian law or with certain rules of human rights law.

The ICRC’s strength needs to be used as a basis, together with its energies and skills, for
raising the work in the field to an even higher level. In order to achieve this aim, it needs to
develop the ability to make better use of local knowledge by giving greater responsibility to
certain locally recruited staff. This is essential to better understand local dynamics and ensure
continuity in the work. It should develop the requiring logistics and working methods that vary
greatly from one context to another.

The ICRC must fulfil its responsibilities in armed conflicts and other situations of
violence. It must take action to address humanitarian concerns relating to urban violence if that
violence is armed and organized, if there is a substantial need for humanitarian aid and if what
the ICRC can do will really make a difference for the victims. The staff will strive to do what
best fits the situation: they may provide medical aid, they may step in with support for water and
sanitation services, or they may conduct detainee-welfare or tracing activities.

Indeed, 2012 was the most deeply challenging year in security terms since 2003 and
2005: the ICRC experienced three separate hostage crises in the first half of the year. Tragically,
the colleague taken hostage in Pakistan was murdered, which led to a significant downsizing of
the ICRC’s presence and activities in the country. In Yemen, another staff member was killed
during an air attack that struck the village he was in at the time. The ICRC also faced serious
security incidents in countries like Afghanistan, Iraq, Lebanon, the DRC, Libya and Somalia.
Despite these challenges, the ICRC achieved strong results in implementing the objectives
contained in its initial field budget.

Millions of people in 2012 had their lives torn apart by conflict and violence around the
world. Men, women and children faced enormous suffering, injury and death. Forced to flee their
homes and communities, they lost their belongings and livelihoods and were separated from
family members. Those arrested were particularly vulnerable, enduring ill-treatment and being at
risk of disappearance. During the past year, some conflicts have received widespread coverage in
the media and the humanitarian consequences were extremely visible. In others, such as the
numerous protracted armed conflicts in which acute and chronic needs coexist, people’s
suffering went and continues to go relatively unnoticed. In any situation of conflict where the
ICRC was present or could gain access, its field staff, often with National Society volunteers,
worked to address the vulnerabilities and suffering of those affected. Their plight and the needs
expressed by them remained at the very heart of the ICRC’s analysis and response, regardless of which side of the conflict they find themselves on.

Analysing vulnerabilities to enable the most appropriate response entails understanding the specific circumstances of the person or community to endeavour to assist and protect. This is consistent with an all-victims approach and seeks to ensure that specific needs related to people’s circumstances, the risks and violations they are exposed to, and their gender and age are taken into account, which integrates the multidisciplinary dimensions of the ICRC’s protection, assistance, prevention and cooperation approaches.

Among the most pressing situations facing the ICRC are those in which civilians and communities cannot access commodities or basic services such as health care, education, water and sanitation as they are caught up in the middle of the fighting and freedom of movement is restricted. This happens in main cities, villages and residential neighborhoods where hostilities damage or destroy buildings and infrastructure, and areas are cordoned off by one side or the other, leaving civilians trapped and unable to approach soldiers or fighters for fear of being harassed or arrested. The main violations noted by the ICRC remain summary executions, targeted killings, death threats, disappearances, forced displacement, recruitment of minors, attacks against medical personnel, and sexual violence. Conflict and other situations of violence also provoke massive and often multiple displacement patterns, both internally and to neighbouring countries, affecting hundreds of thousands of people. State response to internal displacement is often inadequate, mainly because of limited control over parts of the country, insufficient capacity and reluctance to recognize the scale of the phenomenon.

The recurrent attacks by parties to many conflicts against medical structures, transport and staff, including ambulances, rescue workers, hospitals and clinics, jeopardize the timely provision of emergency care and is an issue that has necessitated strong renewed attention from the ICRC and its Movement partners. In different conflicts, insecurity and the proliferation of checkpoints temporarily cut off neighborhoods from medical care still available in other parts of town. The same occurs when front-lines prevent rural populations from reaching their local health posts. Delays caused by checkpoints when evacuating patients in need of life-saving care regularly endanger the patients’ chances of survival. Hospitals are at times difficult for civilians to access because of the deployment of armed security forces near or inside them, threatening civilians and in some cases arresting the weapon-wounded. Moreover, there have been
occurrences of weapon bearers attacking, occupying and looting hospitals and kidnapping patients.

The ICRC continues to deal with the widespread physical and psychological consequences of ill-treatment, torture and sexual violence. For many detainees, the main medical problem remains the effects of ill-treatment during interrogation, which leaves them suffering from a combination of long-lasting consequences even after their eventual release from detention. Rape is also a constant nightmare for many people – mainly women, but sometimes also men – in conflict- or violence-affected areas and is often part of a series of shocking events involving looting, destruction of property or murder. Sometimes the victims and their children are so stigmatized that they do not want to or cannot return home. The effects of such patterns are deeply traumatic for the affected populations and immensely challenging to address.

The ICRC should continue to focus on dealing with both acute and emergency related needs and with the multiple consequences of protracted armed conflicts. It should concentrate on enhancing the relevance of its response relating to detainees, the wounded and sick, the disabled, the displaced and migrants, and on addressing the specific needs of women and children in Srilanka, Iraq, Lebanon and Afghanistan.

The ICRC’s budgets are based first and foremost on addressing humanitarian needs. Priorities are decided in the light of the organization’s ability to secure access and acceptance and its capacity to implement its objectives.

Year after year, the ICRC engages in multiple forms of dialogue and networking with governments, armed and security forces and other weapon bearers to ensure that its approach and activities are understood. Acceptance requires long-term efforts and can easily be lost as a result of an inappropriate statement or behaviour, or a poorly implemented programme. Dialogue with all stakeholders in a given context will remain central to the ICRC’s operational approach. Given the diversity and fragmentation of armed groups and influential actors, networking strategies will require constant adjusting. Acceptance can never be taken for granted especially in the Middle East.

The 2013 budget reflects the ICRC’s commitment to a wide scope of action in response to identified needs, while taking into account the difficult security environment. The nature of risks is multifaceted and the organization’s level of exposure worldwide remains high. Decentralized security management and attention to the duty of care will continue to be crucial to the ICRC’s approach.
The ICRC should further strengthen cooperation with National Societies working in their own countries as primary partners in emergencies and in most protracted armed conflicts. It will also seek to mobilize partner National Societies for rapid deployment, notably in terms of medical and surgical teams, and encourage peer-to-peer support.

The ICRC is convinced that strong partnerships, while very demanding in terms of respect for the Movement’s principles, not only lead to an improved overall response to needs, but also support the efforts of National Societies seeking to preserve their independence in situations of conflict and violence.

The ICRC needs much more transparency to make coordination effective. But transparency is only relevant as a tool to better meet the needs of those we have to protect and assist. For coordination to be effective, it needs to know the capacities of the respective actors in the field. The Organisation also needs an increase in the blurring of lines between emergency action, early recovery and development activity. And all humanitarian organizations have to make up their minds quite clearly to what extent they see themselves as actors in emergency situations or whether they see themselves no longer as humanitarian organizations in a traditional sense but leaning towards development for which the ICRC should admit.

Adequate resources are required for the comprehensive protection training of ICRC staff at all levels, particularly at management level. Although progress has been achieved in recent years to improve professional development, ICRC needs to ensure that all staff receives regular training of all kinds. Recent humanitarian emergencies in Afghanistan and Srilanka and elsewhere have revealed a serious shortage of senior staff capable of assuming leadership roles on short notice. A future priority should be for heads of missions to be trained on how to handle emergencies and how to ensure protection for refugees.

A proactive protection policy has the added benefit of contributing to ICRC’s reputation for integrity which is vital to its long term influence. Hence the ICRC is not a static organisation but has constantly changed and evolved over the past years. Dramatic and bold steps should now be taken to revitalise ICRC’s primary role as the protector of refugees and the guardian of asylum worldwide.

Though the ICRC is the foremost organization representing the rights and welfare of refugees there is a legitimate concern among many scholars that, given its dependence on international donors and asylum state cooperation, the ICRC is not fully in control of its own policy. These things pose limitations on the functioning of the ICRC.
The increasingly protracted nature of refugee situations demands a fresh approach to refugee protection which acknowledges the long-term repercussions of life in exile. Refugee self-reliance, the development of sustainable livelihoods within a framework which supports full and unrestricted refugee rights, presents an opportunity to restore refugees’ dignity and meaningfully improve conditions in asylum countries are important. However, the ICRC’s current settlement and self-reliance policies do not represent a fundamental break with the past, and consequently are unable to deliver self-reliance. Self-reliance is not possible if asylum states continue confine refugees to camps and settlements where their rights are restricted. Local settlement policy and current self-reliance strategies place an unrealistic emphasis on the ability to meet the needs of refugee communities. To achieve real and meaningful self-reliance the ICRC must fundamentally alter its approach to refugee policy, recognizing the practical importance of refugee rights, changing the structure of refugee assistance, and ultimately altering its own role in the provision of assistance and advocacy of refugee issues. Self reliance has the potential to radically improve refugee welfare, but not as it currently stands.

Finally in the future, the role of local humanitarian organizations such as the National Societies will be important as nations are raising questions about isolations of their sovereignty. It is important for the ICRC to support National Societies to get stronger because these partnerships are going to become even more important. In this respect the Non-western humanitarian organizations should play a much more important role in the future, but maybe more on a regional than at the global level. As far as financing of humanitarian action on a global level is concerned, it continues to depend to a very large extent on traditional western donor countries. Traditional international humanitarian organizations, whose headquarters are based in the West, may well continue to play an important role, but what this role will be exactly is an open question. The fact is that some of them already depend to a large extent on local humanitarian actors to carry out the tasks on the ground.