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Humanitarian Aid in Armed Conflicts:

A Case Study of Red Cross

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## **ABSTRACT**

Humanitarian crisis is one of the biggest problems that the world has to face the last couple of years. If one looks at what is happening in the world and in our region, he could come to the conclusion that 100 years after the end of the First World War and 25 years after the end of the Cold War, Thomas Hobbs was right: the world was characterized by the principle "bellum omnium protiomnes" which means war against all, where the principle applied is "your death, my life", because that's the human nature. That's why, as Hobbes says, human life is lonely, poor, awful, tough and short. It is a fact that the whole planet is dominated by situations that might make Hobbes' categorical discovery convincing. But if we look at the situation more calmly, we will see that many parts of the planet live peacefully while most war fronts are not new. They have historical depth without this meaning they cannot escape the "hostage" of their history. However, after the end of the Cold War, geopolitical data has changed, while the "multipolarity" of the new global security system makes the situation less predictable. That is why the "new order of things" needs more and better coordination between "players" and a more collective approach to global problems and conflicts.

As a result the need of humanitarian action is more recent than ever. In this paper we will try to understand the armed conflicts and set the background of humanitarian law which is the one applicable to those circumstances. Moreover we will find out where and how are we going to apply it. On the second part we will deal with Red Cross, the only humanitarian organization that has its own legal right in the Geneva Convention. We will explain why the humanitarian action is needed and it is integral part of the future of this world and we will analyze how they act in 3 different situations, Afghanistan, Iraq, Syria. Finally we will come with some conclusion about what are the problems and the advantages of the humanitarian action and then we will give some suggestions.

Key – Words: International Humanitarian Law, Armed Conflicts, Red Cross, Humanitarian Aid, International Help

# **TABLE OF CONTEXT**

Introduction	5
Objective, Goals, Methodology	6
Part A: Humanitarian Aid	
Chapter 1	
Definitions	
1.1 The humanitarian crisis according to the UN	9
1.2 Humanitarian Aid	10
1.3 Armed Conflicts	12
Chapter 2	
Analysis of the Humanitarian Action	
2.1 Introduction	15
2.2 Organization of the Humanitarian Action	16
2.3 Sphere Project	18
2.4 Challenges	20
2.5 Legal base of the Humanitarian action	21
Chapter 3	
International Humanitarian Law	
3.1 Definition	24
3.2 History	25
3.3 Jus in Bello – Jus ad Bellum	28
3.4 Application of Humanitarian Law	29
3.5 Law of Armed Conflicts	31
3.6 Fundamental Principles and Rules of Humanitarian Law	32

## Part B: The Case of the Red Cross

### Chapter 1

#### Red Cross

1.1 History	35
1.2 The Seven Fundamental Principles	37
1.3 Organization	38
1.4 Main Humanitarian Organizations	40

### Chapter 2

#### Case Studies

2.1 Afghanistan	43
2.2 Iraq	51
2.3 Syria	59

Recommendations	63
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Conclusions	68
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Bibliography	72
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# **INTRODUCTION**

Nowadays, one of the biggest problems is the humanitarian crisis. It is a fact that there is no general agreement on what constitutes a humanitarian crisis. However, the definition used by experts is practical and simple. A humanitarian crisis is usually characterized by an increase in poverty, inequality, particularly in the area of education and social protection, and the lack of access to social welfare services.

Humanitarian crisis exists when the life of entire populations is in danger - either by natural disasters (earthquakes, floods, droughts, epidemics ...) - or by man-made disasters (conflicts, wars ...) <sup>1</sup> and when the vital needs are not assured by their country which does not have or no longer have the means to help them. The victims of these humanitarian crises often have only one hope of life: the hope that other countries, those with the means, will come to help. We call it "international solidarity".

The European Commission has an activity - we call it "politics" - humanitarian aid. This means that it has decided that part of the money it manages will serve to provide quick assistance to the victims of these humanitarian crises, everywhere in the world. The European Commission of Humanitarian Aid and Civil Protection Service Search (ECHO) manage the EU-funded aid. Humanitarian aid is channeled through more than 200 organizations and organizations active on the ground such as: Non-governmental organizations (NGOs), International organizations, Organizations of the Red Cross and Organizations of the United Nations. They provide emergency assistance impartially, regardless of race, ethnic group, religion, gender, age, nationality or political beliefs.

But the main problem is that many people and scientists question the efficiency and the results of that aid. Billions of Euros are spent every year for the relief of the people in need, but if they are actually relieved is another question.

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<sup>1</sup> What Is a Humanitarian Emergency? [Internet]. [cited 2017 Jul 3]. Available from: <http://humanitariancoalition.ca/info-portal/factsheets/what-is-a-humanitarian-crisis>

# **Objective, Goals, Methodology**

On this paper we study the humanitarian aid in armed conflicts nowadays, especially the case of Red Cross, in the light of international humanitarian law. This humanitarian aid raises awareness according to the effectiveness of the humanitarian aid but also about how Red Cross reacts when it is needed.

## **Objective**

More specifically, on the first part of this paper, we will try to set the background of the humanitarian crisis and action, both social and legal, give examples and understand deeply the way that the humanitarian aid works. On the second part, we will make a case study of the humanitarian profile of Red Cross, we will analyze 3 different cases in Afghanistan, Iraq and Syria and we will conclude about how effective the humanitarian aid under the light of ICRC is.

## **Goals**

The above objective is analyzed in the individual goals.

1. Presentation of the International Humanitarian Law and its background but also the principles of it in accordance with the law of armed conflicts.
2. Brief analysis of the humanitarian action, how it is organized, but also the challenges that has to face.
3. Presentation of the Red Cross and their principles, and how the humanitarian aid is organized. We will point the differences with the other two major organizations: UN and Medicins Sans Frontier
4. Analysis of the humanitarian action of the International Committee of the Red Cross in Afghanistan, Iraq and Syria

In the end, in accordance with the general conclusions about the effectiveness of the Red Cross, we will try to give some recommendations about the future organization of the humanitarian action.

## **Methodology**

This study was guided and designed, with the help of the tools provided by the PRISMA procedures (<http://www.prisma-statement.org/>). This is a systematic review of bibliography, and in order to identify appropriate studies and articles have been used large databases (ScienceDirect, Scopus, etc.), relevant valid webpages (IFRC), as well as selected foreign literature related to International Humanitarian Law, Red Cross and the EU. The search for the articles refers to those written in both English and Greek. Also, with the use of ZOTERO, grouping, organizing articles as well as creating bibliography is carried out.

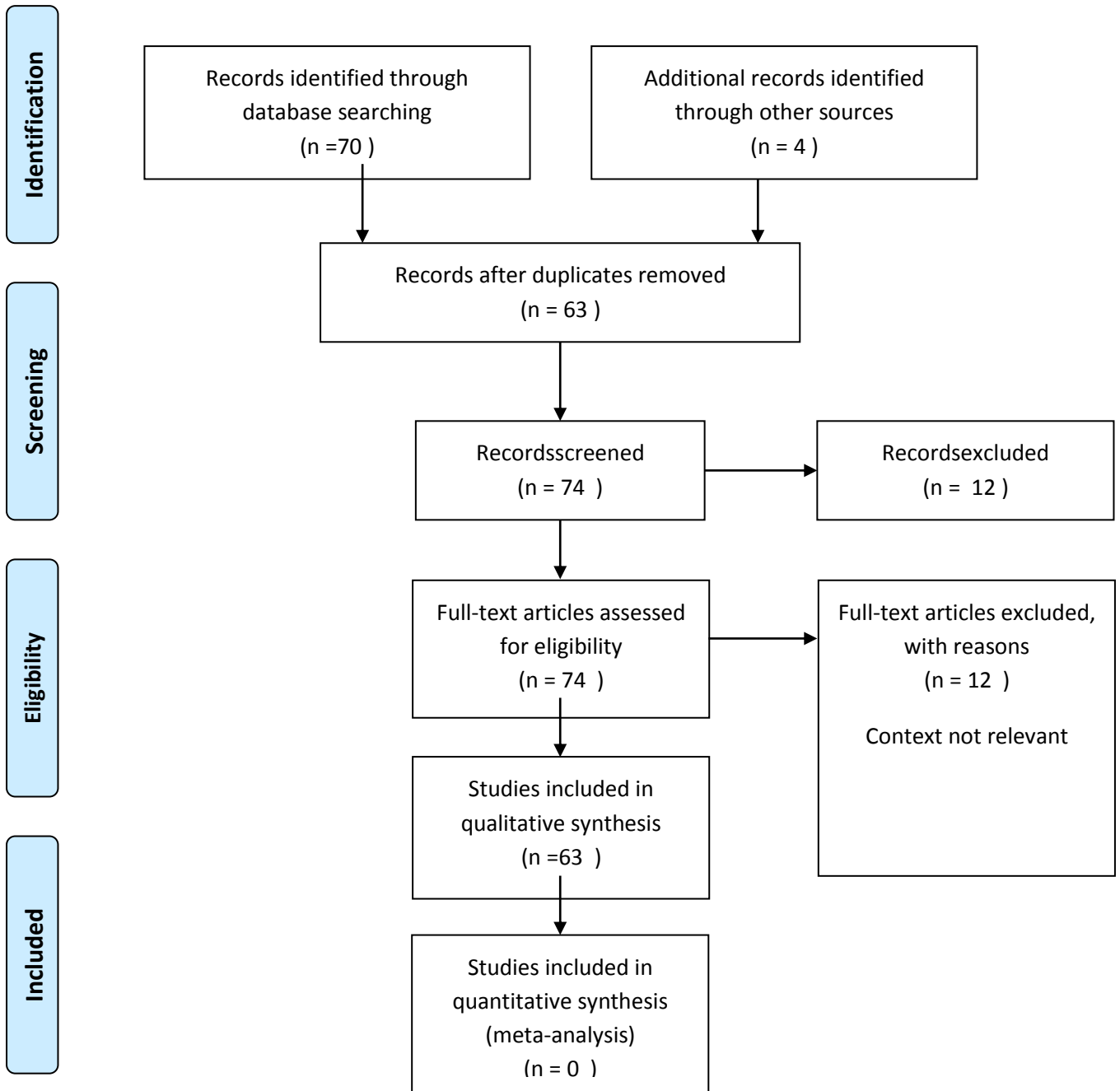
The criteria for choosing the articles are determined by the following parameters:

- The problem statement
- Analyzing International Humanitarian Law
- Describing a humanitarian mission
- What is humanitarian aid
- The case study of the Red Cross
- The role of the EU

Each article containing useful information is examined for the correctness of its data in the course of writing the work.



## PRISMA 2009 Flow Diagram



From: Moher D, Liberati A, Tetzlaff J, Altman DG, The PRISMA Group (2009). Preferred Reporting Items for Systematic Reviews and Meta-Analyses: The PRISMA Statement. PLoS Med 6(7): e1000097. doi:10.1371/journal.pmed1000097

For more information, visit [www.prisma-statement.org](http://www.prisma-statement.org)



# Part A

## Humanitarian Aid

### Chapter 1:Definitions

#### **1.1. The humanitarian crisis according to the UN**

As a humanitarian crisis, according to the UN, is understood a situation in which there is an unusual and generalized threat to human life, health or living. These crises usually occur in the context of an existing state of lack of protection where a number of preexisting factors (poverty, inequality, lack of access to basic services) are exacerbated by a natural disaster<sup>2</sup> or armed conflict, multiplying the disastrous consequences. Since the end of the Cold War, there has been a spread of the kind of humanitarian crisis that has become known as an emergency cluster. These phenomena, also known as clusters of civilian emergencies, are artificial crises in which a situation of violence causes human losses, displacements, epidemics and hunger. These are combined with a weakening or total collapse of economic and political structures and, sometimes, the presence of a natural disaster. The clusters of emergencies differ from crises in that they are more prolonged, are at the root of policies and have significant destructive and detrimental effects on all areas of life. As a result, the response to these crises usually involves a large number of players as well as those dealing exclusively with humanitarian work, including peacekeeping missions and political and diplomatic schemes. Indicators on the basis of which the UN records countries experiencing a humanitarian crisis relate to the severity of factors such as the food crisis or the displacement of people in the midst of violence, which in turn mobilize resources through corresponding UN funds. In this context, countries such as South Sudan, Haiti, Somalia, Iraq and Syria are included.

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<sup>2</sup> What Is a Humanitarian Emergency? [Internet]. [cited 2017 Jul 3]. Available from: <http://humanitariancoalition.ca/info-portal/factsheets/what-is-a-humanitarian-crisis>

Humanitarian crises can be grouped under the following headings<sup>3</sup>:- Natural disasters, which can be geophysical (e.g. earthquakes, tsunamis and volcanic eruptions), hydrological (e.g. floods, avalanches), climatological (e.g. droughts), meteorological (e.g. storms, cyclones), or biological (e.g. epidemics, plagues).-Man-made emergencies, such as armed conflicts, plane and train crashes, fires and industrial accidents.-Complex emergencies, which often have a combination of natural and man-made elements, and different causes of vulnerability and a combination of factors leads to a humanitarian crisis. Examples include food insecurity, armed conflicts, and displaced populations.

Moreover, the complex emergencies are typically characterized by extensive violence and loss of life in accordance with displacements of populations. Additionally, the widespread damage to societies and economies need leads to necessity of large-scale, multi-faceted humanitarian assistance. Also, there is the hindrance or prevention of humanitarian assistance by political and military constraints and significant security risks for humanitarian relief workers in some areas<sup>4</sup>.

## **1.2. Humanitarian Aid**

Humanitarian action has a long tradition of solidarity since it was the people who are working to help the victims of the crises. Target of the humanitarian aid is to save lives and provide assistance to people experiencing severe crises due to either natural disasters or collisions<sup>5</sup>. Over the last thirty years, it has been given more and more emphasis on principles, quality and professionalism in providing international humanitarian aid.

However, the humanitarian actors currently face some specific challenges. Humanitarian crises occur more frequently and have more serious impacts, and are associated with climate change, changing nature of conflicts, extreme poverty, bad

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<sup>3</sup> What Is a Humanitarian Emergency? [Internet]. [cited 2017 Jul 3]. Available from: <http://humanitariancoalition.ca/info-portal/factsheets/what-is-a-humanitarian-crisis>

<sup>4</sup> Contributions to Conflict Management, Peace Economics and Development :EmeraldInsight [Internet]. [cited 2017 Jul 1].

<sup>5</sup> Terry F. Condemned to Repeat?: The Paradox of Humanitarian Action. Ithaca, NY: Cornell University Press; 2002. 304 p.

governance and weakened states. Victims are mainly citizens of which most people live in developing countries. There is an increasing tendency to ignore or to blatantly violate the humanitarian and international law. The violation of the "humanitarian space" has a negative effect on it.

Access to vulnerable populations and their security and protection of humanitarian workers, are the two basic preconditions for humanitarian action and to enable the EU and the partners to continue to provide help to populations affected by a crisis<sup>6</sup>.

Humanitarian aid is one of the EU 's key external policies. The EU as a whole is the main donor of humanitarian aid<sup>7</sup> in the world and Europeans actively support humanitarian action, which is why creates increased responsibilities and expectations for the EU developments and the moment has come to strengthen European humanitarian action thanks to an explicit EU common understanding of the common values and principles that govern it. It is also advisable to explore practitioners ways to enhance complementarily between humanitarian action and the Member States and the Community in order to increase its effectiveness.

While actively contributing to the protection and aid for disaster victims, humanitarian aid is not exclusively a crisis management tool: the EU is firmly committed to the fundamental humanitarian principles of humanity, its neutrality, its impartiality and independence. This principle-based approach is Essential for the EU's acceptance and capacity to provide assistance to the victims of crises, often under conditions sensitive to political and security aspects. The way the EU understands its humanitarian action and its attachment to the principles of neutrality and independence are associated with behavior and commitment on the ground. All the EU actors involved in crisis management must work respecting these principles<sup>8</sup>.

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<sup>6</sup>EUROPA - Topics of the European Union - Humanitarian aid & civil protection [Internet]. [cited 2017 Jul 3]. Available from: [https://europa.eu/european-union/topics/humanitarian-aid-civil-protection\\_en](https://europa.eu/european-union/topics/humanitarian-aid-civil-protection_en)

<sup>7</sup>EUROPA - Topics of the European Union - Humanitarian aid & civil protection [Internet]. [cited 2017 Jul 3]. Available from: [https://europa.eu/european-union/topics/humanitarian-aid-civil-protection\\_en](https://europa.eu/european-union/topics/humanitarian-aid-civil-protection_en)

<sup>8</sup>Ο ορισμός του ΟΗΕ για την ανθρωπιστική κρίση | naftemporiki.gr [Internet]. [cited 2017 Jul 3]. Available from: <http://www.naftemporiki.gr/finance/story/928478/o-orismos-tou-oie-gia-tin-anthropistiki-krisi>

The European Consensus on Humanitarian Aid should promote a more coherent and comprehensive approach to humanitarian aid. The clear commitment, as well as the respect for the principles of sound sponsorship and their identification roles of the respective bodies, is essential for the preservation of the humanitarian space and hence our ability to continue helping people who are in need. The common perception of humanitarian aid will therefore be distinct and complementary to the European Consensus on Growth.

### **1.3. Armed Conflicts**

After the end of the Cold War, it is evident that the character of the war has changed radically, both in terms of the reasons invoked by the opponents as a cause of an armed conflict and in the means and methods of conducting it. The modern war is characterized by an alarmingly increasing criminal factor; there is now a fine line separating the war from organized crime, while unfortunately people are increasingly becoming an active part of armed conflicts but also the primary objective of the parties involved.

Armed conflict exists when there is recourse to armed violence between States or prolonged armed conflict between government authorities and organized armed groups or between such groups within a State<sup>9</sup>. These hostilities go beyond the criteria of the intensity required both in international as well as non-international armed conflicts. There has been prolonged, large-scale violence between the armed forces of various States and between government forces and organized guerrilla groups.

The Court has held that the nature of modern armed conflicts is such as to make it no longer possible to distinguish between these categories<sup>10</sup>. Moreover, he stressed that humanitarian reasons of urgency have emerged, which are aimed at the demotion, if not the elimination of this distinction. With this approach, the ICTY seems to have

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<sup>9</sup> How is the Term "Armed Conflict" Defined in International Humanitarian Law? International Committee of the Red Cross (ICRC) Opinion Paper, March 2008

<sup>10</sup> Elizabeth Wilmshurst, 'International Law and the Classification of Armed Conflicts', Oxford University Press, 2012

taken the first step towards eliminating the strict distinction between international and non-international armed conflicts.

The reason why the categorization of armed conflicts is an important clarification is because this distinction provides the feature that will determine the legal rules to be applied in each case, since these rules - in particular the IHL, the TRIPs and national law - vary according to the type of conflict. It is also of particular importance in the process of ascertaining whether problems in recognizing and applying the appropriate rules of international law<sup>11</sup> are due to difficulties in classifying the type of armed violence or due to other causes, such as the gaps observed in substantive law.

Contemporary reality considers it necessary to discuss the law and practice applicable to the categorization of armed conflicts for three main reasons: first, the original types of hostilities were developed (with the four Geneva Conventions in 1949) at a time when the State control over the use of the armed forces has been decisive. However, the modern form of hostilities often involves new entities, such as non-governmental armed groups, changing pre-existing balances in a conflict. Secondly, the differences between IHL rules applicable to international and non-international armed conflicts have disappeared in recent years due to the development of a practice (often evolving into international customary law) which has extended the use of international armed conflicts and non-international ones. This has led to the debate as to whether a further merging of IHL rules is desirable -what is now called "unification"<sup>12</sup> of IHL"- and therefore whether the separation into international and non-international armed conflicts has some meaning.

Thirdly, the classification of armed violence is also relevant in the application of international human rights law. The way this law is applied in the context of an armed conflict has now become a matter of intense confrontation: the ICCM is being implemented in parallel with the IHL, but for the exact relationship between them, as

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<sup>11</sup> Διονύσης Σ. Γάγγας, «Εισαγωγή στο Διεθνές Δίκαιο των Ενόπλων Συγκρούσεων» (Αθήνα: Σιδέρης, 2000)

<sup>12</sup> Lindsay Moir, 'Towards the Unification of International Humanitarian Law?' in Richard Burchill, Nigel D. White, Justin Morris (eds), 'International Conflict and Security Law', Cambridge University Press(2005)108-128

well as the extension of the application of the extraterritoriality of the ICTY, different interpretations and descriptions are given by international courts, states and analysts<sup>13</sup>.

The era where battles took place with the concentration of bound military forces in the field, in straight, horizontal and vertical lines, where soldiers-fighters wore their striking colors and designs and wore various flags to carry out any movement, has passed irreversibly. The modern battle has been transformed and carried on with complicated techniques where fighters with specially camouflaged and specialized in materials and media, combat uniforms (or even without distinct uniforms on many occasions now) have as their main purpose to dominate the wider space conducting business through flexible and difficult-to-understand tactics by the opponent. In the traditional form of the war, the soldiers knew who the opponent was and where, today it is not easily recognizable.

There have been several factors in the last two centuries that have affected the character of armed conflicts, which led to the initial separation of the war into regular warfare and irregular warfare. However, reality is even more complicated, since insurrection, guerilla, complex or advanced irregular war, compound war, hybrid war, "criminal war", or "terrorism," refer to a type of war with particular characteristics in each case and a completely different way of doing so<sup>14</sup>. The result of all of these now has a decisive influence on how to deal with modern armed conflicts, especially from a legal point of view. Each of the abovementioned forms of armed conflict has a different legal basis, which determines both the permissible use of any form of violence and the treatment of individuals (fighters or not) during these. Therefore, a particular purity of spirit is required for all who are directly and indirectly involved in an armed conflict in order to comply with the commonly accepted rules of International Law and to avoid the horrors that have unfortunately been observed in the last four decades in the world.

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<sup>13</sup>Wilmshurst E. International Law and the Classification of Conflicts.OUP Oxford; 2012. 568 p.,4, section 2

<sup>14</sup>Wilmshurst E. International Law and the Classification of Conflicts.OUP Oxford; 2012. 568 p., p.15

## **Chapter 2: Analysis of the Humanitarian Action**

### **2.1. Introduction**

Humanitarian crises have increased in number, complexity and seriousness over the past 25 years. In 2014, there were more than 400 political-political clashes that affected the lives of 50 million people. In more than 40 of these clashes there has been conventional war or terrorism<sup>15</sup>. Many were based on ideological motivations and had dramatic regional implications with a knock-on effect on access to humanitarian aid, the protection of affected populations and the safety of humanitarian workers. The reluctance of some actors to find political solutions has the effect of prolonging these crises, creating humanitarian needs for years, if not decades.

Natural disasters - some of which are linked to climate change and are part of wider trends, such as water scarcity, urbanization and demographic pressures, affect the lives of 100 million people each year<sup>16</sup>. Many of these disasters re-emerge before even local communities are recovering.

Social and economic vulnerability is a good ground for humanitarian crises. Since 1990, the percentage of people living in extreme poverty has risen in fragile states, whose governments are unable or unwilling to provide either basic services or social equality. This means that today more than 250 million people are either already affected or exposed to humanitarian crises<sup>17</sup>. These trends, and their interdependence, have caused unprecedented human suffering and unprecedented humanitarian needs. By mid-2015, nearly 79 million people in 37 countries need humanitarian assistance, including over 59 million displaced persons<sup>18</sup>. The humanitarian aid system faces the

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<sup>15</sup>Heidelberg Institute for International Conflict, Conflict Barometer 2014, p.14-15, [http://www.hiik.de/de/konfliktbarometer/pdf/ConflictBarometer\\_2014.pdf](http://www.hiik.de/de/konfliktbarometer/pdf/ConflictBarometer_2014.pdf).

<sup>16</sup>Διεθνής Ομοσπονδία των Εταιρειών του Ερυθρού Σταυρού και της Ερυθράς Ημισελήνου, Έκθεση για τις παγκόσμιες καταστροφές το 2014, σ. 223

<sup>17</sup>Παγκόσμια Τράπεζα, «Fragility, Conflict and Violence» (Ευπάθεια, συγκρούσεις και βία), <http://www.worldbank.org/en/topic/fragilityconflictviolence/overview>.

<sup>18</sup>Γραφείο Συντονισμού Ανθρωπιστικών Υποθέσεων (OCHA), Global Humanitarian Overview June 2015 (Παγκόσμια ανθρωπιστική επισκόπηση, Ιούνιος 2015), <https://www.humanitarianresponse.info/en/programme-cycle/space/document/global-humanitarian-overview-2015-june-status-report>.

challenge of doing more for more people and at higher costs. Given the scale of modern crises and disasters, funding to meet humanitarian needs cannot keep up with needs despite the unprecedented contributions from donors<sup>19</sup>.

However, the humanitarian landscape has changed, not only because of the multiple challenges. Among other things, it is evolving due to the fact that humanitarian efforts are contributing to more and more diverse bodies. This brings additional resources but also changes the way the humanitarian community is planning, coordinating and responding. As a result, the system coordinated by the UN should be adapted in such a way as to remain useful and create added value.

## **2.2. Organization of the Humanitarian Action**

Emergency is defined as the situation created in the community by catastrophic events of rapid and slow evolution associated with a natural phenomenon or technological event in the land, sea and air space which causes widespread adverse impacts on humans, as well as in anthropogenic or natural environment. The intensity of the disaster is determined by the magnitude of losses and damages related to the life, health and property of citizens, goods, productive sources and infrastructure. There are two basic principles concerning humanitarian aid and response to a humanitarian crisis. These are the relief of human pain and the safeguarding of the right to life with dignity.

Humanitarian aid operations are evolving with tight time constraints that leave no room for strategic planning for this, and this must have been done in advance. This is assisted by the gathering of information and the prior consultation of local bodies with international organizations and non-governmental organizations. In the case of war conflicts, this is easier to do because there is evidence of conflict development and the

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Αρμοστέια του ΟΗΕ για τους Πρόσφυγες, GlobalTrendsReport 2014 (Εκθεση για τις παγκόσμιες τάσεις 2014), <http://www.unhcr.org/556725e69.html>.

<sup>19</sup>Το 2014, τα Ηνωμένα Έθνη απήρθησαν έκκληση για το άνευ προηγουμένου ποσό των 17 δισεκατ. ευρώ για ανθρωπιστική βοήθεια. Οι χορηγοί ανταποκρίθηκαν με το πρωτοφανές ποσό των 10 δισεκατ. ευρώ, αλλά αυτό εξακολουθεί να μην αρκεί για την κάλυψη όλων των αναγκών. Γραφείο Συντονισμού Ανθρωπιστικών Υποθέσεων (OCHA), GlobalHumanitarianOverviewDecember 2014 (Παγκόσμια ανθρωπιστική επισκόπηση, Δεκέμβριος 2014)



need to develop humanitarian aid in areas affected by natural phenomena such as hurricanes<sup>20</sup>. There may also be evidence of unexpected phenomena such as earthquakes, for example, a more general strategic planning view is required.

In any case, during the planning process, a preparation is made to meet the first needs (even placement of items such as tents, drugs, blankets and drinking water can be done) and actions aimed at coordinating the members of the mission. A summary document is then drawn up where the objectives and priorities of each area of the mission are clearly stated. An analysis is made of the policies, finances and security factors that can affect the mission<sup>21</sup>. Deadlines are set for completing each process, but it is taken into account that differences in initial estimates of information and the availability of materials and resources will cause discrepancies. A realistic and detailed cost estimate is made and the issue of funding is settled. Rapid disbursement of capital is critical as well as money management by donations.

Based on the first estimates<sup>22</sup>, the action sequences are defined with their priorities in relation to health and safety issues as well as any specific features of the area. Following is the selection of the personnel to collect and analyze data in order to meet the needs of those who are affected, who will design the context in which the mission will be launched and prepare the technical reports. The plan for the transport of materials and equipment, as well as the involvement of contractors from the region to support the shipment, and the dispersal of materials and equipment for faster disposal when required, are arranged. The plans and programs are implemented, their execution is monitored and the necessary corrections are made. In the end, all the elements are gathered, valuations are made and decisions are made that are taken into account in the planning of the next mission.

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<sup>20</sup> Terry F. *Condemned to Repeat?: The Paradox of Humanitarian Action*. Ithaca, NY: Cornell University Press; 2002.

<sup>21</sup> Lima F santos, Oliveira D de, Gonçalves MB, Samed MMA. Humanitarian Logistics: a Clustering Methodology for Assisting Humanitarian Operations. *Journal of Technology Management & Innovation*. 2014 Jun 19;9(2):86–97.

<sup>22</sup> Humanitarian Aid: Are Effectiveness and Sustainability Impossible Dreams? | The Journal of Humanitarian Assistance [Internet]. [cited 2017 Jul 2]. Available from: <https://sites.tufts.edu/jha/archives/1935>

The planning of programs in humanitarian aid:<sup>23</sup>

- 1) Is a first standardized development of actions and interventions in a very short period of time for immediate emergency response
- 2) It is a participatory process designed to produce and produce a rational, realistic, feasible and efficient proposal
- 3) Includes the relevance of the actions with realistic and measurable expected results by examining possible risks and defining the targeting of the intervention
- 4) It is based on the assessment of the real needs of the population and their immediate coverage
- 5) It sets the conditions for a smooth implementation of the project
- 6) Defines how to monitor the implementation and effectiveness of the project

### **2.3. Sphere Project**

In 1988 a humanitarian charter of minimum guarantees for disaster response was created(Sphere Project). The creation of this map is due to the humanitarian organizations which, through a joint assessment of their responses to Rwanda, have reached that standard. 700 executives and 200 organizations from 60 countries were recruited to record these experiences. The essential aim of this charter was to find a way to combine humanitarian work with those required by international law.The main objective of the Sphere Project is that humanitarian organizations can provide a more effective and qualitative humanitarian aid so that the lives of people affected by a disaster can be significantly improved by humanitarian action.<sup>24</sup>

In the four technical chapters of the manual, apart from the humanitarian map, one finds the pieces that are needed to design the best humanitarian action. These items

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<sup>23</sup> Humanitarian Aid: Are Effectiveness and Sustainability Impossible Dreams? | The Journal of Humanitarian Assistance [Internet]. [cited 2017 Jul 2]. Available from: <https://sites.tufts.edu/jha/archives/1935>

<sup>24</sup>The Sphere Project | Humanitarian Charter and Minimum Standards in Humanitarian Response [Internet]. [cited 2017 Jul 2]. Available from: <http://www.sphereproject.org/>

concern the following: water supply, sanitation, nutrition, shelters and other non-food or health-related areas.<sup>25</sup>

- **Water, sanitation and hygiene promotion:** This chapter refers to close collaboration with the WASH cluster, highlighting initiatives to enhance system-wide readiness, coordinated and technical quality. The first WASH standard in the chapter underlines the need for better coordination of WASH activities and the promotion of hygiene. WASH research methods, including rapid evaluation, integrated assessment, and monitoring tools developed by the Dissemination Approach are mentioned and used. In particular, there is a new wording on the application and use of water treatment at household level as well as on water safety.<sup>26</sup>
- **Food Security and Nutrition:** The next chapter on food safety and nutrition identifies an integrated approach to prevent and treat malnutrition and to preserve life resources in emergencies. A key role in this conceptual context is the widespread causes of malnutrition. Within the framework, poverty is identified as the underlying cause of malnutrition and the short- and long-term effects of malnutrition can be highlighted.<sup>27</sup>
- **Shelter, settlement and non-food items:** New developments in the housing sector include consideration of the long-term rehabilitation and reconstruction of accommodation during the initial phase of a disaster or during emergency response. It also highlights the need for strategic planning as well as the use of a wide range of programming options, including cash, vouchers, and the promotion of access to local markets. A diagram highlights the problems encountered in cases of displaced and non-displaced populations affected. In

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<sup>25</sup>The Sphere Project | Humanitarian Charter and Minimum Standards in Humanitarian Response [Internet]. [cited 2017 Jul 2]. Available from: <http://www.sphereproject.org/>

<sup>26</sup> WASH Cluster - [Internet]. WASH Cluster. [cited 2017 Jul 2]. Available from: <http://washcluster.net>

<sup>27</sup>The Sphere Handbook | 1.Food security and nutrition assessment [Internet]. [cited 2017 Jul 2]. Available from: <http://www.spherehandbook.org/en/1-food-security-and-nutrition-assessment/>

addition, a description of various emergency response scenarios is described and the various settlement options that can be considered are highlighted.<sup>28</sup>

- **Health action:** People affected live in non-camping sites scattered among local populations and in urban areas. The chapter on health reflects this fact. Recognizes the need to support and strengthen local health systems, while providing lifelong health services and adopting a long-term idea during disaster response to provide an opportunity for better reconstruction by linking it to the context WHO Health Systems (2007), which promotes a common understanding of what constitutes the health system. With the aging population, the disease profile of many countries with low and middle income is changing, and chronic illnesses create extra weight in addition to the most intimate problem of infectious diseases. The acute complications and the aggravation of chronic diseases, which have become a common problem in many disasters, are dealt with in this chapter. The health of infants receives more attention in a new section on children's health.<sup>29</sup>

## 2.4. Challenges

During missions of humanitarian aid, the forces involved face five key challenges. The first is the risk of spreading contagious diseases that can get the size of the epidemic if they are not treated immediately. The second is hunger and lack of water. Drinking water and food must be supplied directly to the affected areas, with particular attention being paid to safety, as water and food are valuable in collision zones. In Somalia in 1991, only the International Red Cross and a small number of non-governmental organizations were active in the region, while other humanitarian agencies had withdrawn their staff. The third challenge is the movement of populations caused either by military operations or by natural disasters. In addition to the provision of drinking water and food, housing is also needed, while displaced people are more vulnerable to illness and violence. Proper communication and

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<sup>28</sup>The Sphere Handbook | 1.Shelter and settlement [Internet]. [cited 2017 Jul 2]. Available from: <http://www.spherehandbook.org/en/1-shelter-and-settlement/>

<sup>29</sup>The Sphere Project | Humanitarian Charter and Minimum Standards in Humanitarian Response [Internet]. [cited 2017 Jul 2]. Available from: <http://www.sphereproject.org/>

concerted efforts in this case are all the more critical and more complicated when the affected areas are on the border as it may be necessary for the affected populations to cross them to find a safe haven. The fourth challenge is the restoration of infrastructure. The road network and the electricity grid are likely to be hit and have to cope with greater needs, both for the movement of people, equipment and necessities, as well as for the operation of hospital equipment, pumps and refrigerators. The objective in such a case is not complete restoration but the repair of the road network and the water and energy supply networks at the site so as to allow them to operate without worsening their situation so that they can serve the work of the supply company's assistance<sup>30</sup>.

Finally, physical and mental injuries that may have arisen from the use of weapons, either in the event of natural disasters due to collapses of buildings, must be addressed. Summarizing the immediate needs for dealing with a humanitarian crisis require the provision of drinking water, food, medicines, hygiene equipment and accommodation. All of the above should be transferred to the affected area within the first few hours of the disaster<sup>31</sup>.

## **2.5. Legal base of the Humanitarian action**

The Geneva Conventions call for humanitarian aid to be carried out by the International Committee of the Red Cross, the National Red Cross and Red Crescent Societies or other non-discriminatory humanitarian organizations authorized by the parties involved.

The access to those in need, facilitation of the work of health personnel, the unhindered transport of injured and sick to and from healthcare facilities, the access to war prisoners, or prisoners, humanitarian assistance during hostilities are obligations

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<sup>30</sup> Lima F santos, Oliveira D de, Gonçalves MB, Samed MMA. Humanitarian Logistics: a Clustering Methodology for Assisting Humanitarian Operations. *Journal of Technology Management & Innovation*. 2014 Jun 19;9(2):86–97.

<sup>31</sup>Rieff D. A Bed for the Night: Humanitarianism in Crisis. *Yale Human Rights and Development Journal* [Internet]. 2014 Feb 18;7(1). Available from: <http://digitalcommons.law.yale.edu/yhrdlj/vol7/iss1/6>

of the parties of the conflict and the offer of assistance should not constitute interference or interfere in the domestic affairs of a state if it is done with respect for the ICO.<sup>32</sup>

The parties of the conflict have the right to refuse access to humanitarian organizations as long as they ensure that they find other ways to comply with their obligations. They have the right to lay down conditions for the safety and protection of third parties (movement, route notification, control of means of transport, etc.) providing that they do not interfere with the unhindered, timely and effective recovery and care of injured and sick people, supplies necessary for the survival of civilians, etc. (Article 23, fourth para.,49). Under Article 70 (1), which complements and further develops the arrangements for humanitarian aid, it is clear that all parties are required to consent but that it is forbidden to hinder the work of humanitarian organizations when the civilian population does not have the necessary equipment for its survival.

It should be noted that while the Geneva Convention of 1949 foresees the possibility of research and no related procedures/mechanisms have been established to disclose violations of the IOC/IHF. The relative lack of action on the part of the States Parties has attempted to cover Article 90 which provides the work of an International Humanitarian Investigative Committee. The Commission, which is a permanent body, consists of 15 members, elected independent experts has the following competencies, to investigate any facts if it is a serious violation as defined in the Geneva Conventions or the Protocols and to facilitate, through the provision of good services, the restoration of respect for the Conventions and the Protocol.<sup>33</sup>

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<sup>32</sup>Geneva Conventions and Commentaries [Internet].International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

<sup>33</sup>Geneva Conventions and Commentaries [Internet].International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

The obligatory consent of the parties for its activation creates obstacles that have proved difficult to overcome, and for that reason has not taken any action so far.<sup>34</sup> On the other hand, where such fact-finding committees were activated, this was done by a decision of international bodies (without the express consent of the fighters) or by the Security Council in the context of the forced measures of Chapter VII of the UN Charter (Yugoslavia, Rwanda) (Lebanon, Sudan, Gaza, Libya) or the European Union (Russia / Georgia).

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<sup>34</sup>Blowfish AG S. Arguments in favour of recognising the competence of the Commission [Internet]. [cited 2017 Jul 2]. Available from: [http://www.ihffc.org/index.asp?Language=EN&page=recognition\\_general](http://www.ihffc.org/index.asp?Language=EN&page=recognition_general)

## **Chapter 3:**

### **International Humanitarian Law**

#### **3.1. Definition**

International Humanitarian Law (IHL) is a set of rules designed to limit the impact of armed conflict on civilians. It protects individuals who do not participate or no longer participate in hostilities and limit the means and methods of wars. It is important to make a distinction between international human rights law and the IHL. They are distinct bodies of law, and while the primary purpose of both is to protect individuals, there are significant differences between them. IHL applies to times of armed conflict and occupation to mitigate the inconvenience caused by the war and to protect those who have fallen into the hands of opponents. The primary objective of the IHL is to safeguard the fundamental rights of injured, sick and naval combatants, prisoners of war and civilians. Conversely, human rights law applies to all persons under the jurisdiction of the state concerned in a time of peace as well as in an armed conflict. It is primarily concerned with protecting people from government violations of their internationally recognized individual, political, economic, social and cultural rights. The two regimes also differ in regulatory content, which concerns the process or even the possibility for those who have been violated to seek redress, compensation and whatever else involves the violation of their rights. Human rights provide for the possibility of recourse to judicial bodies for the purpose of claiming compensation or even the possibility of conducting an investigation that will clarify in any case the facts and the facts of the case, which the IHL does not provide, except for a few exceptions. Thus, although they are distinct, the two sets of rules may both apply in the same case.<sup>35</sup>

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<sup>35</sup> What is international humanitarian law? [Internet]. International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/document/what-international-humanitarian-law>



### 3.2. History

War is a timeless phenomenon in human history, as millions of lives have been lost in its altar. Since antiquity, there have been rules that imposed restrictions on warfare, which were mostly unwritten and based on customs. Hence the roots of International Humanitarian Law must first be sought in the codes and rules of religions throughout the world. The 20th century saw two world wars and tolerated a huge number of civilian casualties killed in armed conflicts. There has been a century of war, but it has caused the creation of the main ecumenical conditions. The main developments in the International Law (IGC) field concern the Security Council's decisions that respect for Human Rights and International Humanitarian Law (IHL) is an integral part of the international security system and the distinction between international and non-International armed conflicts.<sup>36</sup>

During the 67 years since the adoption of the Fourth Geneva Conventions of 1949, mankind had the alarming experience of many armed conflicts that affected almost all the continents. During this period, the Convention and its Additional Protocols of 1977 provided legal protection to persons who did not participate or were no longer directly involved in hostilities (injured, sick and shipwrecked, persons deprived of their liberty for reasons related to armed conflict, and civilians). Nevertheless, there have been numerous violations of these conventions, causing pain and death that could have been avoided if international law was more respected. The general view is that violations of International Law are not due to the inadequacy of its rules. On the contrary, they stem from a reluctance to respect the rules, inadequate means of enforcing them, uncertainty about their application in some cases, and a lack of information from political leaders, governors, militants and the wider public.<sup>37</sup>

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<sup>36</sup>Henckaerts J. M., 'Study of International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict' (2005) 87(857) *International Review of the Red Cross* 175, Leve H S, 'History of the law of war on land' (2000) (838) *International Review of the Red Cross*.

<sup>37</sup>Henckaerts J. M., 'Study of International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict' (2005) 87(857) *International Review of the Red Cross* 175, Leve H S, 'History of the law of war on land' (2000) (838) *International Review of the Red Cross*.

The foundations and first steps in the creation of International Humanitarian Law are due to Henry Dunant. Henry Dunant experienced the death of thousands of helpless people by accidentally passing through the field, where the battle of Solferino had just taken place. The tragic consequences of this battle, as recorded by him, in his book, "A Recollection from Solferino," led Dunant to make the first private humanitarian organization called "International Committee for the Relief of Traumas" - which later was renamed the International Committee of the Red Cross (ICRC), which resulted in the establishment of the Red Cross in 1863. The Swiss Government, at the instigation of the five founding members of the ICRC, convened the Diplomatic Conference of 1864, to which 14 countries and the work of which led to the signing of the Geneva Convention of 1864 on "Improving the Condition of Wounded Army in the Field of Battle" August 1864), which included only ten parts.<sup>38</sup>The four Geneva Conventions of 1949 constituted a set of rules that seemed to cover the needs of an armed conflict so far. However, with the development of the means and the way in which hostilities arose, the need arises for the creation of a new framework of international conventions which led, after about two decades, to the convening of a new Diplomatic Conference, also in Geneva, the result of which was the adoption in 1977, two additional protocols supplementing the Geneva Conventions of 1949.<sup>39</sup>

Thus, with the signing of the two Additional Protocols of 1977 and the completion of the Geneva Conventions of 1949, a significant corpus of principles and rules, that of IHL applicable to armed conflict, which dictates the behavior of the parties during an armed conflict, both in terms of limiting the means and methods of hostilities, and in relation to the protection of victims of armed conflict, whether militants or civilians or prisoners.<sup>40</sup>

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<sup>38</sup> International Committee of the Red Cross: 'A Memory of Solferino', available at <https://www.icrc.org/eng/assets/files/publications/icrc-002-0361.pdf>

<sup>39</sup> Geneva Conventions and Commentaries [Internet]. International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

<sup>40</sup> Geneva Conventions and Commentaries [Internet]. International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

- **The Geneva Convention of 1864:** The Geneva Convention of 1864 was the first international treaty of humanitarian law. This treaty was signed by 16 countries, containing 10 articles, recognizes the Red Cross symbol and protects health workers in battlefields. In this treaty, representatives from 16 countries agree on 10 articles to protect the injured in the battlefield. The main points of the articles concern the protection of injured and sick people and the neutrality and immunity of medical staff. Also in this treaty we have the founding of the Red Cross movement and the institutional enslavement of the Red Cross emblem on a white background.<sup>41</sup>
- **Four Geneva Conventions of 1949:** The foundation of modern humanitarian law comes with the four Geneva Conventions in 1949. These conventions aimed at improving the situation of the injured in battlefields, improving the situation of injured and changes in the sea, treating prisoners of war and protecting civilians in time of war. In addition to these conventions, the two additional protocols relating to international armed conflicts and non-international armed conflicts come in 1977.

In any case, a distinction must be made between civilians and combatants, and military operations have only military objectives. The civilians must live as normal as possible. They must be protected from murder, torture, pillage, retaliation, indiscriminate destruction of property and hostage. Their honor, family rights and religious beliefs and practices must be respected. The occupation forces must ensure and allow the safe passage of food and medical supplies and the establishment of a hospital and safe zones for injured, sick, elderly, children, Pregnant women and mothers with young children. This Convention provides for special protection for women and children. The nursing staff caring for these people is respected and protected.

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<sup>41</sup>International Committee of the Red Cross: 'A Memory of Solferino', available at <https://www.icrc.org/eng/assets/files/publications/icrc-002-0361.pdf>

### 3.3. Jus in Bello – Jus ad Bellum

A very important part, which requires special attention, is the case of discrimination between the rules of law applicable when there is an armed conflict, often referred to as Jus in Bello, and the different legal framework which defines the lawfulness of recourse to the use of force, often called Jus ad Bellum.

The reasons that make the distinction of these branches so important are the following:

- When violation of the jus contra bellum (the primary rules of use of force), then jus in bello (which specifically regulates the case of the extraordinary situation of armed conflicts) applies.
- War victims need the same protection whether they belong to the assailant or the defending Party in the conflict, or to the one who violated the right to appeal to violence or to the person who respected it.
- During the conflict, the warriors never agree on the lawful use of violence, but the rules of the Covenant of Peace must apply and be the same for the protected persons of the two or more parties in the conflict.<sup>42</sup>

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<sup>42</sup>Charter of the United Nations [Internet]. 2015 [cited 2017 Jul 2]. Available from: <http://www.un.org/en/charter-united-nations/>

### 3.4. Application of Humanitarian Law

International humanitarian law does not only apply in times of war or in armed conflicts, but also applies to situation of peace. It contains over 600 articles, most of which are involved in the regulation of humanitarian issues, including active human rights. Especially in the modern civilization of warfare, where armed conflicts have become complex, traditional methods of distinguishing fighters are inadequate, as they themselves are often not distinguished from the civilian population. Yet another negative criticism of humanitarian law is directed at the inadequate regulation of conduct rules, inadequate reception and implementation. It is a common phenomenon that states refuse to implement IHL, in whole or in part, by invoking illusory and excessively restrictive interpretations of its scope. The consequences of the above are reflected in the very reality of armed conflicts, where states believe they are bound by minimal humanitarian rules, while humanitarian needs dictate the very opposite.

Equally important, however, is what prohibits international humanitarian law. International humanitarian law therefore forbids the attack on specific people who have been out of combat, such as injured, sick and shipwrecked. It prohibits attacks on medical personnel, whether they are political or armed, and protects medical equipment, ambulances and ships, the enforcement of which is subject to strict conditions. It also forbids its policy of not taking prisoners, retaliation, hostage taking, and mass penalties, as well as intimidating the enemy with this threat. It then prohibits the mismanagement of prisoners of war, ie torture and interrogation are forbidden. The holding power is responsible for maintaining the good health of prisoners, religious freedom and their right to correspondence. Any attack on the civilian population is forbidden. This is the ban on the use of civilians as a shield for military targets, the use of terrorist practices against the population, and practices that will lead to starvation. Finally it forbids the destruction of the cultural heritage and the environment.<sup>43</sup>

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<sup>43</sup>Henckaerts J. M., 'Study of International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict' (2005) 87(857) *International Review of the Red Cross* 175, Leve H S, 'History of the law of war on land' (2000) (838) *International*

When it comes to children humanitarian law forbids them to take part in hostilities, but recruiting children is still a serious problem in many parts of the world. The IHL requires that children under the age of 15 are not recruited into the armed forces, and "all possible measures" must be taken to ensure that they are not directly involved in hostilities. Unfortunately, the number of children who involuntarily or voluntarily rejoin is increasing. Children living in conflict zones, especially those separated from their families or marginalized in other ways can become potential recruits. Children are often forced to engage in an armed group or become soldiers as a means of survival.<sup>44</sup>

As for the women although they generally enjoy the same legal protection as men, the Geneva Conventions recognize the principle that "women should be treated according to their sex" (Article 12, Geneva I and II Convention, Article 14, Geneva Convention III). This means that additional protection is provided to address the specific needs of women stemming from gender differences, honor and modesty, pregnancy and childbirth. For example, women prisoners of war or displaced persons are kept separate from men under the direct supervision of other women. Women are protected from "rape, coercion or any form of indecent assault" (Geneva IV Convention, Article 27, and Articles 75 and 76, Protocol I). As regards assistance missions, priority is given to "expectant mothers in maternity and breastfeeding".<sup>45</sup>

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Review of the Red Cross.

<sup>44</sup>Protection of Children in International Humanitarian Law - ICRC [Internet]. [cited 2017 Jul 3]. Available from: <https://www.icrc.org/eng/resources/documents/article/other/57jmat.htm>

<sup>45</sup>The Protection of Women in International Humanitarian Law - ICRC [Internet]. [cited 2017 Jul 3]. Available from: <https://www.icrc.org/eng/resources/documents/article/other/57jmfj.htm>

### **3.5. Law of Armed Conflicts**

The term law of armed conflict as well as international humanitarian law has relatively recent origins. They were first used in 1949 and include the rules of the four Humanitarian Conventions of 1949 and the two 1977 Additional Protocols. The terms "war law" or "law of the Hague", *jus in bello*, are the classic terms used to Rules and customs of war. They were codified by the 1864 and 1907 Conventions, which were adopted at the conferences in The Hague. Hague law contains rules on the means of conducting the battle, and neutrality. Geneva law or humanitarian law *stricto sensu* includes protective provisions for the victims of armed conflict (injured, sick, shipwrecked, war prisoners, the civilian population, and in general those who assist the victims). The distinction originally applied to these two categories of law was gradually reduced, especially since the adoption of the Two Additional Protocols in 1977. Thus, the watertight ones are no longer in the categories of regulation. And the theory refers to mixed law. Today, the expressions international law of armed conflict / humanitarian law / law of war are treated by bibliography and practice as identical concepts.

Arrangements for implementing the Armed Forces Law as provided for in the Conventions can be distinguished in preventive, monitoring and control measures as well as suppressive measures. As a precautionary measure, we can characterize the dissemination of knowledge of humanitarian law, the training of appropriate personnel to implement the law at national level, the appointment of legal advisers to the armed forces, the adoption of legislative provisions to ensure compliance with IHL provisions National level (eg incorporation in the Criminal Code of war crimes, crimes against humanity, genocide, etc.).

According to Geneva's Conventions, there are two kinds of armed conflict. These forms are distinguished in international armed conflicts and non-international

conflicts. Violence characterized by low-intensity not exceeding the limit of armed conflict is distinguished from non-international armed conflicts.<sup>46</sup>

The problem emerging from the Conventions is the radical lack of humanism that characterizes the war. For example, the IHL prohibits arbitrary deprivation of liberty in international and non-international armed conflicts. The ICRC study interprets its rules by making a major reference to human rights. Applying the two criteria of the principle of legality, states that the basis for detention should have been previously established by law and agreed to two procedural claims: first, it requires the parties to fulfill the obligation to inform the person arrested on The reasons for the arrest and, secondly, the obligation to allow that person to challenge the legality of his detention (habeas corpus).<sup>47</sup>

### **3.6. Fundamental Principles and Rules of Humanitarian Law**

The basic rules<sup>48</sup> of the IHL are formed by unwritten laws based on customs that regulate the conduct of armed conflicts and on the conditions already in force, the main ones of which are as follows:

- Non-combatants are entitled to respect for life, physical and moral integrity.
- Non-combatants must be protected and entitled to treatment without any discrimination.
- It is forbidden to injure or kill an enemy who is or cannot take part in the hostilities.
- Arrested fighters under the authority of the adversary are entitled to protection of their lives, dignity, personality, individual rights and their political or religious beliefs.

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<sup>46</sup>Διονύσης Σ. Γάγγας, «Εισαγωγή στο Διεθνές Δίκαιο των Ενόπλων Συγκρούσεων» (Αθήνα: Σιδέρης, 2000)

<sup>47</sup>Weissbrodt D. Humanitarian Law in Armed Conflict: The Role of International Nongovernmental Organizations. *Journal of Peace Research*. 1987 Sep 1;24(3):297–306.

<sup>48</sup>Διονύσης Σ. Γάγγας, «Εισαγωγή στο Διεθνές Δίκαιο των Ενόπλων Συγκρούσεων» (Αθήνα: Σιδέρης, 2000)



- Prisoners of war have the right to communicate with their family and should be provided with full medical assistance.
- Everyone is entitled to enjoy the fundamental legal guarantees.
- Natural or intellectual torture, corporal punishment and brutal and abusive treatment are prohibited.
- The parties to a conflict should distinguish the civilian population from the militants and protect civilians and their property.
- Parts of armed conflicts during an engagement have no unlimited choice of means and methods of war and are prohibited from using weapons or methods that cause unnecessary loss and unnecessary pain.
- Civilians enjoy immunity from attacks "unless and as long as they actively participate in hostilities".
- Indiscriminate attacks on the civilian population are prohibited.
- The acts or threats of violence are forbidden, with the aim of spreading the terror among the civilian population, the retaliation against it and the "human shields".
- Special protection should be given to children, women (mainly pregnant women and mothers with dependent children), prisoners, refugees and displaced people and journalists.

As has been mentioned earlier, international humanitarian law is a piece of international public law that is composed and constituted by some fundamental principles based on the rules of customary law that, in times of armed conflict, protect or attempt to protect individuals who receive or no longer take part on those.

**Principle of Discrimination:** The principle of discrimination between fighters and civilians is one of the basic principles of modern international humanitarian law. This principle states that all persons involved in an armed conflict must be separated into

those who are directly involved in hostilities, that is to say fighters and persons who are not to be attacked or who do not have direct involvement in them, the civilians. This distinction raises two elements: fighters must be distinguished from the civilian population and civilians must not be attacked.<sup>49</sup>

**Principle of Humanity:** The basic content of the principle is initially to reduce the cruelty that develops between the combatants during armed conflicts, as well as to protect civilians and those who do not participate or no longer participate actively in them.<sup>50</sup>

**Principle of Prohibition of Indiscriminate Attacks:** Closely linked to the principle of discrimination is the principle that civilians must be protected from violence against life and the individual; in particular, there is a pronounced ban on indiscriminate attacks that affect the civilian population, since such attacks will cause excessive loss of life or excessive injury to civilians.<sup>51</sup>

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<sup>49</sup>Customary IHL - Practice Relating to Rule 1.The Principle of Distinction between Civilians and Combatants.[Internet]. [cited 2017 Jul 3]. Available from: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule1](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule1)

<sup>50</sup>Humanity - IFRC [Internet]. [cited 2017 Jul 3]. Available from: <http://www.ifrc.org/en/who-we-are/vision-and-mission/the-seven-fundamental-principles/humanity/>

<sup>51</sup>Customary IHL - Rule 12.Definition of Indiscriminate Attacks [Internet]. [cited 2017 Jul 3]. Available from: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule12](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule12)

## **Part B**

### **The Case Of The Red Cross**

#### **Chapter 1:Red Cross**

##### **1.1. History**

The Red Cross is an international humanitarian organization founded to provide assistance to the victims of wars. It is one of the first non-governmental organizations nowadays the largest and most important, with action in every corner of the planet. In addition to the care of the wounded and the protection of the prisoners of war, the Red Cross in times of peace intervenes in disasters, and deals with the issue of refugees. The occasion for the establishment of the Red Cross was the Battle of Solferino (24 June 1859), during which the French defeated the Austrians in the town of Solferino in northern Italy, after a full-day battle. As a witness of the brutality of the war, the Swiss businessman Jean Henry Dunant, agitated by the agony of the injured soldiers, organized a help network with the help of local volunteers.<sup>5253</sup>

On his return to Geneva, Dunant wrote a book entitled "Memories from Solferino," in which, among other things, he developed ideas for voluntary relief during the war. He suggests the wounded and all who care for them is considered neutral, even on the battlefield. In August 1863, five Geneva citizens, Gustav Mounière, Louis Apia, Theodore Montor, GuyomNuthur and Henry Dunant, founded the International Commission on Assistance to the injured. On 29 October of the same year, experts from 16 countries met in Geneva and adopted the ideas of Dunant. A year later, on 22 August 1864, an international diplomatic conference is organized on Switzerland's initiative, and the Geneva Convention is signed, recognizing the role of the Commission and the duty of the combatants to protect the wounded and provide them with the necessary care. The principles of the 1864 Convention were subsequently extended to the victims of the conflicts at sea (1899 and 1907), war prisoners (1929)

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<sup>52</sup>History [Internet].International Committee of the Red Cross. 2014 [cited 2017 Jul 6]. Available from: <https://www.icrc.org/en/who-we-are/history>

<sup>53</sup>History - IFRC [Internet]. [cited 2017 Jul 6]. Available from: <http://www.ifrc.org/en/who-we-are/history/>

and civilian populations (1949). In 1876, the International Commission on Assistance to the injured will be renamed as the International Committee of the Red Cross, as it is known today. The Red Cross emblem adopts the red isosceles cross on a white background, which practically is the Swiss flag with inverted colors. The Muslim countries that entered the International Organization later demanded the change of the emblem, which they believed that it was referred to Christianity. After negotiations, it was decided that the Christian countries use the Red Cross and the Muslim countries the Red Crescent. Both organizations work closely together under the umbrella of the International Committee of the Red Cross and Red Crescent, based in Geneva. Israel since its inception in 1948 has its own organization, the Red Star of David. In recent years, it is proposed to adopt a neutral emblem for all this humanitarian movement, which will be the Red Crystal.<sup>54</sup>

Care and support without cultural or ethnic distinction were the primary motive and ideological foundation of the establishment of the Red Cross. During the 143 years of action and offering of the Movement, these ideals formed the core of its effort and activity to relieve human suffering. The humanitarian activity of the Red Cross and Red Crescent Movement has grown and expanded worldwide with the gradual involvement of more and more countries. The Red Cross and Red Crescent Movement (French: Mouvement Internationale de la Croix-Rouge et du Croissant-Rouge), called for the sake of short red Cross is consisted of the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and 188 National Red Cross and Red Crescent Societies. Today, it is the largest volunteer organization in the world, and is synonymous with solidarity and sympathy. This is the result of three Nobel Prizes in the International Red Cross Movement (1917, 1944, and 1963). The International Red Cross and Red Crescent Movement is the symbol of altruistic borderless offer to improve the lives of vulnerable population groups, is the practical effort to realize the vision of a world that respects human dignity and progresses overall through humanism.<sup>55</sup>

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<sup>54</sup>The Founding of the Red Cross Movement | History Today [Internet]. [cited 2017 Jul 6]. Available from: <http://www.historytoday.com/richard-cavendish/founding-red-cross-movement>

<sup>55</sup>7 Red Cross Facts - History in the Headlines [Internet]. [cited 2017 Jul 6]. Available from: <http://www.history.com/news/7-things-you-may-not-know-about-the-red-cross>

## 1.2. The Seven Fundamental Principles

Since 1859 and the battlefield in Solferino, the work of the International Red Cross and Red Crescent Movement has expanded and today includes a wide range of activities involving both war periods and peace. In all its manifestations, however, the Red Cross and Red Crescent Movement is founded on its long experience and humanistic values that remain unchangeable, aiming at "always relieving as many people as possible" (Henry Dunante , "Memories from Solferino").<sup>56</sup> Those principles were officially proclaimed by the 20<sup>th</sup> International Conference of the Movement in 1965 in Vienna<sup>57</sup>.

- ❖ **Humanity:** The International Red Cross and Red Crescent Movement, created by the desire to provide untold help to the injured in the battlefield, is trying, under its international and national capacity, to prevent and relieve pain wherever it may be. Its purpose is to protect life and health and ensure respect for human beings. It promotes mutual understanding, friendship, cooperation and lasting peace among peoples.
- ❖ **Impartiality:**It does not discriminate in terms of nationality, race, religious beliefs, class or political views. It tries to alleviate the suffering of individuals, pushing only their needs and giving priority to the most urgent cases of misery.
- ❖ **Neutrality:** In order to continue to enjoy the trust of all, the Movement cannot discriminate against or engage at any time in political, racial, religious or ideological contradictions.
- ❖ **Independence:** The Movement is independent. National Associations, while being supportive of the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they can always act in accordance with the principles of the Movement.

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<sup>56</sup>Pictet J. The Fundamental Principles of the Red Cross : commentary - ICRC [Internet]. 00:00:00.0 [cited 2017 Jul 6]. Available from: /eng/resources/documents/misc/fundamental-principles-commentary-010179.htm

<sup>57</sup>International Review of the Red Cross [Internet].International Committee of the Red Cross. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/international-review>

- ❖ **Voluntary Service:** It is a volunteer movement of help in no way inspired by the desire for profit.
- ❖ **Unity:** Only a Red Cross or Red Crescent Society may exist in one country. It must be open to everyone and carry out its humanitarian work throughout its region.
- ❖ **Universality:** The Red Cross and Red Crescent International Movement, in which all Associations have an equal position and shared equally responsibilities and duties in mutual aid, is global.

It is particularly important to mention that these seven fundamental principles of the Red Cross have been the guide and the basis for the building of other major humanitarian aid agencies as well as the European Union. But there are still some challenges concerning them, and those are the insufficient knowledge and understanding of them<sup>58</sup>.

### 1.3. Organization

The ICRC is the oldest private humanitarian organization in the world, and since its inception in 1863, it is mainly funded by the States participating in the Geneva Conventions. The budget of ICRC is based on three factors: the humanitarian needs of the communities affected, the extent to which they could offer help and protection to these communities, and a realistic assessment of what really can be achieved. The combination of these three factors usually leads to extremely expensive business plans and budgets: over the past 10 years, the ICRC has achieved an average of 90% implementation rate for its projected budget<sup>59</sup>. The ICRC is accountable for its work and its expenses with the Annual Report.

The primary responsible for ensuring the basic needs of the affected populations is the states themselves. Each state has the obligation to care of the victims and has the

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<sup>58</sup>Principles guiding humanitarian action [Internet]. International Committee of the Red Cross. 2016, p.267 [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/international-review/principles-guiding-humanitarian-action>

<sup>59</sup>ICRC: Η Διεθνής Επιτροπή του Ερυθρού Σταυρού παρούσα σε κάθε μεγάλη ανθρωπιστική κρίση [Internet]. [cited 2017 Jul 13]. Available from: [http://www.huffingtonpost.gr/2016/07/01/ngo-katagrafi-icrc\\_n\\_10381234.html](http://www.huffingtonpost.gr/2016/07/01/ngo-katagrafi-icrc_n_10381234.html)

primary role about the organization of the humanitarian assistance<sup>60</sup>. If the state is unwilling or unable to help and fulfill its legal obligation, then it is the time for the international community to offer its help. We could not consider the international help as a foreign intervention as long as they respect the principles of humanity, impartiality and non-discrimination<sup>61</sup>. Humanitarian actors have the opportunity to offer their services but they do not have the obligation to do so<sup>62</sup>.

The basic criteria for a mission are the ICRC mandate and humanitarian needs. Access to vulnerable people mainly depends on whether they accept humanitarian aid with those who have the weapons, with whom the ICRC is in constant dialogue. The ICRC has been around for over 150 years and has provided humanitarian aid to the largest conflicts on all continents. For example, in Greece, the ICRC has helped during the Greek-Turkish war (1919-23), during World War II and Limos, as well as during the military junta. They currently have 10,000 staff in 80 countries, helping people affected by armed conflict and violence.

ICRC also needs specific privileges and immunities so they could carry out their work. As it is stated in the text of Article 105 of the UN Charter, which provides that IO's should enjoy "such privileges and immunities as are necessary for the fulfillment of its purpose". For that reason they have bilateral status agreement or law establishing those privileges in a provision, according to the domestic legal order. They also have administrative and financial privileges and facilities, such as the right to hold money and to operate accounts in any currency. Moreover, they enjoy immunities according to upholding the Fundamental Principles of neutrality, independence and impartiality. Furthermore, they enjoy some more immunity according to property, exemption from obligation to provide evidence in legal proceedings or freedom of movement to travel to, from and throughout the national

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<sup>60</sup>International Review of the Red Cross, Issue No. 884: Humanitarian debate: Law, policy, action - The future of humanitarian action [Internet]. ReliefWeb. 2011, p.996 [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/world/international-review-red-cross-issue-no-884-humanitarian-debate-law-policy-action>

<sup>61</sup> The principle of non-discrimination refers to the prohibition of the distinctions based on criteria such as race, religion or political opinion. But this principle does not exclude the positive actions in favor of the better treatment of the most vulnerable groups.

<sup>62</sup>Yoram Dinstein, "The right to humanitarian assistance", in *Naval War College Review*, Vol. 53, No.4, 2000, pp 77-92.

territory. The symbol of Red Cross and Red Crescent it's from its own a symbol of neutrality and a pass to the areas in need. With all those privileges and because of them, Red Cross manages to do its job and fulfill their goals undisturbed, at least most of the times.

#### **1.4. Main humanitarian organizations**

As we have explained beforehand, European Union is one of the main donors of humanitarian aid worldwide and helps people in need with its funds. But still, there are many more organizations that, with their action, are trying to make our world better. It is really important to get to know them as we could understand the difference and the importance of the Red Cross. Some of them are:

➤ **The UN**

The United Nations (UN) is an international organization founded in 1945 immediately after the Second World War. The 51 founding countries have committed themselves to maintaining international peace and security, developing friendly relations among peoples, promoting social progress, improving living standards and defending human rights. Thanks to its unique international character and the responsibilities of its Charter, the Agency takes action on a wide range of issues and acts as a forum in which 192 Member States express their views. This is done at the General Assembly, the Security Council, the Economic and Social Committee and other bodies and committees<sup>63</sup>.

The work of the UN is spread across every corner of the globe. Although it is best known for maintaining and consolidating peace, conflict prevention and humanitarian aid, there are many other ways in which the United Nations and its system (specialized agencies, funds and programs) affect life and make our world better. The Agency is working on a wide range of fundamental issues in order to achieve its goals and coordinate efforts for a safer world in favor of

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<sup>63</sup>Τα Ηνωμένα Έθνη με μια Ματιά [Internet]. [cited 2017 Jul 13]. Available from: [http://www.unric.org/el/index.php?option=com\\_content&view=article&id=26288](http://www.unric.org/el/index.php?option=com_content&view=article&id=26288)



today's and next generation. These include sustainable development, the environment and the protection of refugees, crisis management, the fight against terrorism, disarmament, non-proliferation of nuclear weapons, promotion of democracy, human rights, governance, economic and Social development, global health, mine clearance and increased food production<sup>64</sup>.

The main specific programmes of the UN are The United Nations Development Programme (UNDP) works in nearly 170 countries and territories, The United Nations Children's Fund (UNICEF) that helps children and mothers, The United Nations High Commissioner for Refugees (UNHCR) that protects refugees worldwide, The World Food Programme (WFP) aims to eradicate hunger and malnutrition, The United Nations Office on Drugs and Crime (UNODC) that helps Member States fight drugs, crime, and terrorism, The United Nations Environment Programme (UNEP) which dealing with the environmental issues, UN Women that focuses on gender equality and women issues<sup>65</sup>.

➤ **Medicins Sans Frontiers**

It is an international medical humanitarian organization that saves lives in more than 60 countries around the world. It roams more than 8 million patients each year that helping hundreds of thousands of children born, providing treatment for HIV patients, taking care of children with malnutrition, victims of sexual violence, patients with tuberculosis and injured people. They also perform surgical procedures and sucking hundreds of thousands of people, providing psychological care and save lives in the sea. They are a dynamic movement of people from many different corners of the planet, who are doctors, nurses, psychologists, engineers and administrative staff.

Their basic principles are that they do not choose a side to the war: They trace all the injured without exception, they do not take a stand in a dispute and do not intervene according to the suggestions of the governments or the

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<sup>64</sup>70 Ways the UN Makes A Difference | United Nations Seventieth Anniversary [Internet]. [cited 2017 Jul 13]. Available from: <http://www.un.org/un70/en/content/70ways>

<sup>65</sup>Funds, Programmes, Specialized Agencies and Others [Internet]. 2014 [cited 2017 Jul 13]. Available from: <http://www.un.org/en/sections/about-un/funds-programmes-specialized-agencies-and-others/>

conflicting sides. When a war breaks out, they are never with one side or the other, they are always at the side of the patients. Moreover, they offer help on the sole criterion of the need and not the race, religion or political beliefs of people, firstly, by taking care of those who face the most immediate and serious danger. When they look at the patients, they do not see men or women, refugees or immigrants, Christians or Muslims, they see people in need. Additionally, they provide medical and humanitarian care to refugees, migrants and internally displaced people around the world, support their need for protection. And they do not let fences become an obstacle to people's health and dignity but they put human life above the borders. Additionally, MSF independently assess medical needs and intervene where the action is more valuable. They are not funded by the EU and the Member States or on any institutional funding, but they rely on 5.7 million donors around the world. Last but not least, MSF brings to the fore the needs, the pain and the despair of the people in need and publicly denounces the obstruction of medical assistance and attacks on medical facilities. MSF is also in conflict with governments and companies when they exclude people from medical care and it is talking about forgotten crises, as they believe they are the voice of the patients.

## **Chapter 2: Case Studies**

Red Cross is mainly active in armed conflicts and this is based on the mandate received from the international community (the Geneva Conventions). The ICRC provides assistance to war victims, leads protection actions and promotes international humanitarian law. It also has the right to offer its assistance to the authorities in any humanitarian crisis, if necessary, and if the ICRC has a specific operational added value. To understand the work of the Red Cross and to realize the pros and cons of it we should study a lot of different cases of how red cross reacted. We chose the case of Afghanistan, Iraq and Syria as they are the most well known armed conflicts of our days, their duration is enormous as well as their casualties.

### **2.1. Afghanistan**

The US imperialism and its allies invaded Afghanistan in October 2001<sup>66</sup>, based on allegations that the Islamist Taliban government has collaborated with al-Qaeda to carry out the September 11 terrorist attacks in New York and Washington. The atrocities of 11/9 were the pretext for the US to achieve their goal and to leave their military footprint in Central Asia. Apart from the fact that Afghanistan is close to the oil and gas-rich republics of Central Asia in the north, it defines Iran to the west, China to the east, and the Indian sub-continent to the south. The invasion and overthrow of the Taliban was just a matter of weeks. A US settled in the capital of Kabul with the approval of the United Nations in December 2001. The US army began to turn the double-corridor airport in Bagram, Central Afghanistan, into one of its largest bases in the world. What the US establishment did not predict was that, from 2003-2004, it would face widespread armed resistance to foreign occupation by large sections of the Afghan population, especially in the majority ethnic Pashtun provinces bordering the northwest Pakistan region. Until 2008-2009, the battles were so intense that they led Obama administration to inflate the number of US troops in the country to over 100,000 by 2011, while it was supported by more than 30,000 soldiers from

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<sup>66</sup>U.S.-led attack on Afghanistan begins - Oct 07, 2001 [Internet]. HISTORY.com. [cited 2017 Jul 13]. Available from: <http://www.history.com/this-day-in-history/u-s-led-attack-on-afghanistan-begins>

NATO and other countries and with thousands of "mercenary contractors". Today, the occupation force has been reduced to 8,400 US troops, just 5,000 NATO troops and 26,000 mercenaries. However, battles have once again reached dimensions that compete with them six years ago<sup>67</sup>.

As the war in Afghanistan is the most long-lasting in the history of USA, the results are enormous. More than 111.442 were the deaths from 2011 till 2016<sup>68</sup>, among which many citizens of Afghanistan, not only fighters. Moreover, they are still the largest refugee population, although more than 3.000.000 people have returned to the country. Red Cross has been to the side of the people in Afghanistan since the beginning.

Only in 2016<sup>69</sup> according to the ICRC annual report, 1542 war wounded victims were evacuated to health care facilities. Really important is the fact that they organized first aid training for 1,752 persons in direct contact with wounded people, so they could help themselves on the battle field but also on the future. But also that they provided first aid and stabilization material (1,929 war wounded packages for 30 major to 300 minor Wounded) to first aid workers and health staff in direct contact with weapon-wounded people. Moreover, they supported Mirwais and Sheberghan Hospitals, which admitted 72,767 patients to their surgical, medical, obstetrics and gynecology wards, carried out surgical operations on 22,324 patients and provided 429,490 outpatient consultations. In the context of their independence of first aid, they sent different expatriate specialists to train and built capacity of health partners. For that reason, a pair of emergency specialists were present in Sheberghan hospital for two months to train the staff of the emergency department. In Mirwais Hospital, a team of four specialists (one midwife, one gynecologist, one pediatrician and one

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<sup>67</sup>Pressenza - Ο μεγαλύτερης διάρκειας πόλεμος της Αμερικής συνεχίζεται στο Αφγανιστάν [Internet]. [cited 2017 Jul 13]. Available from: <https://www.pressenza.com/el/2017/05/o-megaliteris-diarkeias-polemos-tis-amerikis-sinexizetai-sto-afganistan/>

<sup>68</sup>Newsroom. Πόλεμος στο Αφγανιστάν: Ο μακροβιότερος στην ιστορία των ΗΠΑ (infographic) [Internet]. CNN.gr. [cited 2017 Jul 13]. Available from: <http://www.cnn.gr/focus/explainers/story/83085/polemos-sto-afganistan-o-makrovioteros-stin-istoria-ton-hpa-infographic>

<sup>69</sup>Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>

paediatric nurse) came to strengthen the gynecology and paediatric departments, as well as several specialists (including X-ray technicians, bio-med engineer), all those with continuous support to the management of the hospital. In addition to that, they deployed a mobile surgical team to support five different hospitals (Ghazni, Farah, Maimana, Jalalabad and Kabul) over a three weeks period, with the provision of theoretical and on-job training sessions, donation of various medical materials and direct participation in the care (surgeries, nursing care and physiotherapy). One really important fact about the health care system is that they donated drugs, disposables and medical equipment, and provided organization and support for training, on the job training, and financial and managerial support to 47 ARCS clinics. In those clinics, over 914,461 outpatient consultations were performed and more than 420,282 doses of vaccine for childhood diseases administered.

According to detention centers, they carried out 274 visits in 10 detention centers (housing approximately 24,719 detainees). As well as, the people from ICRC<sup>70</sup> have visited more than 30,600 detained people to make sure that they are living under decent living conditions, from the people visited (1,682 people in detention, arrested in relation to the conflict), the 1,214 were visited for the first time. They supported the Scabies and Vector control campaigns in three detention centers (housing approximately 3,793 detainees). They, also, provided technical, financial support and medical supplies to the Ministry of Public Health's clinic for detainees in Kandahar and Herat Provincial Prisons. 42,779 curative consultations were organized in those prisons. Red Cross played, and continues playing the major role according to the communication of the detainees. They helped families of detainees in the Afghan National Detention Facility in Parwan to re-establish and maintain contact with relatives through more than 11,358 phone calls and more than 4,772 family visits, they exchanged over 10,915 Red Cross messages between detainees and their families, with the support of the Afghan Red Crescent Society. Additionally, Red Cross organized 85 family visits for detainees held in Pul-i-Charkhi prison and

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<sup>70</sup>Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>

received 389 queries from families about arrested out of which 260 cases were successfully solved and received 426 queries about 972 people sought by their families. Last but not least, they facilitated the transfer of more than 1,355 mortal remains of fighters and civilians to their families.

On the other hand, according to providing limb-fitting and physical rehabilitation services 136.000<sup>71</sup> people with disabilities were assisted in the seven orthopedic centers in Afghanistan. Additionally, they registered 9.753 new patients, of whom 1.317 were amputees. Really fascinating is the fact that provided they 284,075 physiotherapy treatments to patients, made 20,455 prostheses and orthoses and made 7,685 home visits through the Home Care program, which is assisting 1,834 patients with spinal cord injuries, and train their families. Moreover, they also facilitated vocational training for patients, from them 194 graduated in 2016, and 189 are ongoing right now. But also, they granted micro-credit loans to 505 patients to start their own small business ventures.

Additionally to all of that, more than 152.500 displaced people have received help and assistance<sup>72</sup>. More specifically, 152,656 displaced people (21,808 households) met some of their immediate needs through National Society/ICRC-supplied household essentials and one month's worth of food rations, as well as about 32,000 detainees in 88 places of detention improved their living conditions with ICRC supplied materials like blankets, patous and socks in order to help them cope with the harsh winter. However, 1,148 vulnerable households supported themselves and their families (8,036 people) by repairing vital infrastructure, such as irrigation canals and roads in exchange for cash. The improved facilities enabled the wider community to boost their food production and incomes on the same time when 232 agricultural/pastoral farmers (benefiting some 1,692 people) by using ICRC-provided supplies, equipment, tool kit and training, resumed their income- and food-generating activities.

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<sup>71</sup>Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>

<sup>72</sup>Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>

Additionally, with the help of deforming and treatment programmes facilitated by ICRC-equipped veterinary workers, some 24,614 households benefited from healthier and more productive livestock as well as about 235 livestock farmers (1,645 people) benefited from ICRC livestock vaccination programme in the Northern region aimed at improving the livestock health and production, all together a total of 182,000 cattle, sheep and goats vaccinated against foot and mouth disease and Peste des Petits Ruminants (PPR). In addition, ICRC supported 94 veterinary workers who provided services to enable pastoral farmers as well as nomadic herders to benefit from healthier and more productive livestock on the same time when 642 vulnerable (primarily female headed) households increased their income by selling the animal products from poultry and sheep provided by the ICRC. Moreover, the ICRC assisted victims of IHL violations and/or their families (289 households/2.794 people) by helping offset the financial consequences of the violation and cover their needs, for example, for food and other essentials, medical treatment, and funeral costs.

Another important sector that ICRC is providing help according to the annual 2016 report of Afghanistan<sup>73</sup> is improving water and sanitation services. Specifically, more than 125 Water Management Committees (WMCs) have been trained in the basic operation and maintenance of the systems, and 2,566 hand pumps (theoretically serving 359,320 people living in 10 districts of 9 provinces) have been repaired, with an increase of 10% compared to the previous year. Additionally 5,345 people benefited from the improvement of hand-dug wells, or renovation of distribution networks. Moreover, living conditions for detainees and prison staff have improved following ICRC repairs in Kabul's Pol-e-Charkhi (PiC) Central Prison, benefitting nearly 10,000 detainees, as well as for over 1,000 detainees in Helmand's Provincial Prison who now have access to improved kitchen facilities. In addition, around 800 detainees in Herat Provincial Prison and 500 in Khost Provincial Prison benefit now from improved water supply. Finally, they continued the progress with several engineering activities to improve conditions for patients and staff of the ICRC-

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<sup>73</sup>Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>

supported Mirwais Regional Hospital (MRH) with 550 beds (after the renovation of the structure to house the paediatric and neonatal facilities has been completed), and Sheberghan Provincial Hospital (SPH) with 150 beds. In MRH, the renovation of Centralized Dispensary (former Laundry) continued and the refurbishment of the Female Wards K&L (former Paediatric Department), with approx. 850 m<sup>2</sup> of hospital floor area, started. In SPH, the construction of a new emergency ward continues. It is anticipated to take approximately 4 more months. The improvement of the water supply systems in Jalalabad Regional Hospital (JRH) with 600 beds, located in the capital of Nangarhar province, and improvement of the water supply system improvement Ghazni Provincial Hospital (GPH) with 120 beds, located in the capital of Ghazni province is on-going.

ICRC could not work and provide help to people if they are not in partnership with the Afghan Red Crescent Society (ARCS)<sup>74</sup>. That partnership is the reason why, the ARCS, with ICRC support, in 2016 they trained 17 ARCS staff and volunteers on the Safer Access Framework (SAF) to disseminate the SAF approach and mitigate security risks for staff and volunteers in the field. Further on, ARCS SAF trainers conducted 14 SAF awareness sessions for 364 ARCS staff and volunteers<sup>75</sup>. Moreover, the ICRC supported ARCS through a SAF workshop to assess gaps and challenges pertaining to ARCS acceptance, security and access to beneficiaries, and plan concrete action to reduce the security risks the ARCS faces when carrying out its humanitarian activities in a conflict environment. Finally, the ARCS shared its experience and good practice on the SAF with National Societies from Asia Region during the SAF and Health Care in Danger round table in Colombo but also, the ICRC and the International Federation of Red Cross and Red Crescent Societies supported ARCS to organize a partnership meeting in Doha for 11 Red Cross and Red Crescent Societies. During the meeting, ARCS presented its new Strategic Plan for 2016-2020

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<sup>74</sup>IFRC launches 2016 World Disasters Report in Afghanistan - IFRC [Internet]. [cited 2017 Jul 13]. Available from: <http://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/afghanistan/ifrc-launches-2016-world-disasters-report-in-afghanistan-73918/>

<sup>75</sup>Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>



and explored, with partner National Societies, possibilities of supporting the ARCS to carry out its humanitarian activities for vulnerable beneficiaries in Afghanistan.

Last but not least, in 2016, the ICRC conducted briefings on international humanitarian law (IHL) for more than 40,660 people, including: Members of civil society, community elders, people benefitting from our work, religious scholars, political authorities, afghan army personnel, national police personnel, personnel of local police, personnel of the National Directorate of Security and members of the armed opposition. With those briefings ICRC managed to promote compliance with international humanitarian law (IHL).<sup>76</sup>

On the other hand, although ICRC have made remarkable change and provided notable help to Afghanistan, 30 years after their presence their people and mission are in danger. On February 2017, a far-reaching attack on the Red Cross was reported in Afghanistan, with at least six workers were killed and two others were missing.<sup>77</sup> The members of the humanitarian organization transferred supplies to areas affected by fierce snowfall in the province of Juzhuzan. According to the authorities, the Islamic State's jihadists are responsible for the blow<sup>78</sup>. The International Committee of the Red Cross spoke about tragedy, which until then suspended its humanitarian action in the country. "It was an area that we knew very well. They were really very experienced colleagues and the direct attack on them is very bad news. Of course this is a shock and we realize what it means for our actions in Afghanistan and Afghans. I still cannot believe that some would be targeting the Red Cross and our colleagues," the head of the International Committee of the Red Cross said. The Taliban rushed through their spokesman to say that they are not behind the offensive. They even pointed out how they would do what they can to locate the perpetrators. Although the ICRC and the international community were shocked and they did not know why they

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<sup>76</sup> History | Afghan Red Crescent Society [Internet]. [cited 2017 Jul 14]. Available from: <http://redcrescent.af/history?lang=en>

<sup>77</sup> Afghanistan: 6 Red Cross workers killed - CNN.com [Internet]. [cited 2017 Jul 14]. Available from: <http://edition.cnn.com/2017/02/08/middleeast/red-cross-workers-killed-afghanistan/index.html>

<sup>78</sup> ICRC: Six Red Cross aid workers killed in Afghanistan | Afghanistan News | Al Jazeera [Internet]. [cited 2017 Jul 13]. Available from: <http://www.aljazeera.com/news/2017/02/icrc-afghan-red-cross-workers-killed-missing-170208131532856.html>

were attacked, it is a fact that humanitarian aid workers are more and more under attack the last years<sup>79</sup>.



Picture 1: Red Cross in Afghanistan

Afghanistan: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Jan 30 [cited 2017 Jul 13]; Available from: <https://www.icrc.org/en/document/afghanistan-how-weve-helped-2016>

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<sup>79</sup>ICRC: Six Red Cross aid workers killed in Afghanistan | Afghanistan News | Al Jazeera [Internet]. [cited 2017 Jul 13]. Available from: <http://www.aljazeera.com/news/2017/02/icrc-afghan-red-cross-workers-killed-missing-170208131532856.html>

## 2.2. Iraq

The Iraq War or Occupation of Iraq or Second Gulf War or Operation Iraqi Freedom is a military operation which began on 20 March 2003, chaired by George Bush from the United States and United Kingdom under the leadership of Tony Blair, with the aim of overthrowing the Iraqi leader Saddam Hussein. It was part of the overall War against Terrorism, the wars organized by the United States following the events of 11 September 2001<sup>80</sup>. The war in Iraq is divided into two phases. The first phase begins with the invasion of the US forces in Iraq on 20 March 2003 and ends in late April 2003 with the fall of Baghdad on 9 April 2003 and the fall of the Hussein government. The arrest of the Hussein government leaders in the summer of that same year and the arrest of Hussein himself on 13 December 2003 followed, which was finally hanged on 30 December 2006. The second and longer phase of the war begins with the Iraqi uprising against the occupying forces and the new Iraqi government in 2004. The continuing tension has led to the civil war between the Shiites and the Sunni from February 2006 to May 2008. On August 31, 2010, the US president, Barack Obama, declared the end of the war and ordered US soldiers to leave Iraq. The latest US military forces left the country in December 2011 but still 50,000 U.S. soldiers remained in Iraq to act as a transitional force. The casualties were enormous, till 7<sup>th</sup> of September 2010 the casualties of USA are 4,423 dead and 32,223 injured<sup>81</sup>. The total amount of violent deaths including combatants are 268,000, from whom the 177,837 – 199,103 are civilians counted from the beginning of the war to 28 February 2017<sup>82</sup>. But this was not the end, the Amnesty International<sup>83</sup> said on her report of 2017 that has identified a series of military aggressive attacks and attacks by Iraqi military forces and an international alliance - from the US - in the Battle of Mosul, which violated the international humanitarian law and can be described as war crimes.

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<sup>80</sup>Iraq War | 2003-2011 | Britannica.com [Internet]. [cited 2017 Jul 14]. Available from: <https://www.britannica.com/event/Iraq-War>

<sup>81</sup>US Casualties By State [Internet]. [cited 2017 Jul 14]. Available from: <http://icasualties.org/Iraq/USCasualtiesByState.aspx>

<sup>82</sup>Iraq Body Count [Internet]. [cited 2017 Jul 14]. Available from: <https://www.iraqbodycount.org/database/>

<sup>83</sup> At Any Cost: The Civilian Catastrophe in West Mosul, Iraq | Amnesty International [Internet]. [cited 2017 Jul 14]. Available from: <https://www.amnesty.org/en/latest/campaigns/2017/07/at-any-cost-civilian-catastrophe-in-west-mosul-iraq/>

The organization also denounces the flagrant violation of the same law by the Islamic State (ISIS) through the creation of human shields by civilians in order to protect its fighters, as well as to prevent the advancement of Iraqi military forces and the international alliance. Mosul was again gained by the Iraq state and more than 100,000 fighters participated in the military operation to re-establish the city that began last October. Among them, Iraqi soldiers, Kurdish fighters, and Shia paramilitaries<sup>84</sup>. The international alliance provided substantial aviation support, as well as an artillery fire in the war operations.

Red Cross has active presence in the area since 1980<sup>85</sup> and lately because of the Mosul events ICRC has escalated their activities in the area the last months of 2016. Although, the Iraq war is over, the armed conflicts continue to exist making the presence of Red Cross of great importance. As in Afghanistan, also in Iraq, ICRC has helped many people and in various sectors.

First of all, according to detainees and the reconnection with their families only in 2016<sup>86</sup> they conducted 343 visits to 45,064 detainees held in 107 places of detention. On the same time they improved the ventilation and sanitation system and verify the access to clean waters to more than 7,848 detainees in various places. Moreover, ICRC facilitated family links between them and their families. A total of 16,502 oral family messages were collected and distributed, while 8,952 RCMs were collected and 7,771 were distributed. Also, the ICRC resumed its support to family visits for detainees in some prisons. Really important it is also the fact that they provided emergency assistance to 7,848 detainees in 12 places of detention. The assistance included hygiene/educational and recreational items and winter supplies. In addition, ICRC followed up with the authorities allegations of arrest, particularly in connection with the current hostilities. Over 2,698 new cases were collected and processed when over 575 were solved positively. Over 125 former detainees

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<sup>84</sup>Taylor A. The Battle for Mosul Enters Its Final Stage - The Atlantic [Internet]. [cited 2017 Jul 14]. Available from: <https://www.theatlantic.com/photo/2017/06/the-battle-for-mosul-enters-its-final-stage/532032/>

<sup>85</sup> On the Front Lines With the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <http://www.thedailybeast.com/on-the-front-lines-with-the-red-cross>

<sup>86</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

received attestations of detention helping them advance legal and administrative proceedings and they also held training initiatives and dialogue with authorities and security personnel to ensure respect for judicial guarantees and the principle of non-refoulement (prohibiting the transfer of an individual to another authority, risking threats to his/ her life and freedoms)<sup>87</sup>.

According to family links and missing persons, ICRC never actually stopped helping the authorities and the families to find out what has happened to their loved ones. This is not only concern the fate of the Iraqis nowadays but since 1980 and the Gulf War. In ICRC report of 2016 it is stated that the measures that they have taken are<sup>88</sup> about local capacities in human identification, data-management, injury analysis and documentation. More specifically, ICRC donated a genetic analyser to Baghdad Medico-Legal Institute and provided them with training and capacity support. Moreover, the Iraqi authorities transferred the remains of 394 people to the Iranian authorities under ICRC auspices and the Iranian authorities transferred the remains of 68 people to the Iraqi authorities under ICRC auspices. The ICRC, also, provided assistance and training/capacity support to institutions involved in recovering and identifying human remains on the dignified management of dead bodies. Furthermore, the ICRC donated 500,000 USD of materials/equipment to support the Iran-Iraq joint excavation missions on the same time when forensic technical advice has been given during the search and recovery of gravesites and during the analysis of human remains.

Moreover, ICRC provided emergency aid and livelihood assistance when it was needed and where security conditions permitted it, especially to vulnerable families such as woman headed families and disabled families. According to the annual report<sup>89</sup> ICRC covered the immediate food needs of 924,024 people mostly IDPs living in conflict-affected areas, including 81,000 people in Fallujah and 130,000

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<sup>87</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>88</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>89</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

people in Ninawa province. They also provided unconditional cash relief to more than 90,000 displaced people. In addition, ICRC provided essential household items to more than 925,000 people living in temporary shelters and settlements to improve their living conditions. Of those, 64,428 people received heating stoves, winter jackets and other supplies to help them cope with the adverse winter weather in Iraqi Kurdistan region and western Iraq. Moreover, they assisted 21,036 farmers in Kirkuk, Najaf and Khanaqin by rehabilitating irrigation canals, provided fertilizer to nearly 6,000 farmers in Kirkuk, Najaf and Baghdad for planting summer crops and they provided green houses to approximately 220 for vulnerable household farmers in Najaf and Baghdad. It is also important to mention that ICRC provided wheat seeds to nearly 5,000 farmers in Kirkuk, Najaf and Baghdad for winter production and cash-for-work to more than 2,500 workers in Najaf and Kirkuk for cleaning canals, as well as financial grants for establishing small income-generating businesses to nearly 1,200 of the most vulnerable women-headed households and people with disabilities. Finally, they assisted 540 women-headed households pursuing registration for social security assistance with the help of local NGOs and provided capacity building to 23 assigned staff from the Joint Coordination and Monitoring Center and the Ministry of Displacement and Migration<sup>90</sup>.

What it is also important to add in this point is what it is included in an emergency box that ICRC is distributing to the Iraqis in need<sup>91</sup>. The emergency aid packages are distributed to families and are composed of rice, water jug, blankets and tarpaulin and 5 boxes. Inside these boxes are one food package of: tomato paste, red lentils, cooking oil, chickpeas, white beans, tea and sugar. Inside the cooking set box there are: a frying pan, cooking pots, plates, cups, knives, spoons. An oil stove and a tea pot are also included. And finally the household items box is consisted of: washing up liquids, detergent, shampoo, soaps, toothpaste, shaving set, toothbrushes and sanitary pads.

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<sup>90</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>91</sup>Iraq: What goes in an ICRC emergency aid parcel? | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-what-goes-icrc-emergency-aid-parcel>

Water supplies are one of the most important things for the survival of human beings and especially for the displaced people is a priority. For that reason ICRC improved the water supply and sanitation for IDPs, host communities and returnees as it is mentioned on their report<sup>92</sup>. To be more specific, ICRC provided access to clean water to 2,140,266 people including IDPs and rehabilitated and constructed over 35 water supply systems in areas affected by conflict or neglected. Because of that 287,046 persons were benefited, including IDPs, from emergency repairs through 21 interventions in water supply systems and displaced settlements. They also provided drinking water to around 12,500 displaced people as they arrived in a camp in west of Ramadi and organized three training sessions for 83 technicians operating water stations, enhancing their ability to maintain water systems. As a result ICRC reduced the risk of disease for millions of displaced people<sup>93</sup>.

In Iraq we are dealing with an emergency armed conflict situation and for that reason ensuring access of the wounded and sick to medical treatment and basic healthcare is from very notable importance. ICRC worked hard to fulfill this requirement and more specifically, only in 2016<sup>94</sup> they donated medical and surgical items to 27 hospitals and 30 PHCCs providing emergency care to weapon-wounded people. On the same time they provided emergency support (incentives, supplies, training) to four new PHCCs during Mosul operation, some PHCCs also received furniture and equipment after their rehabilitation. Moreover, ICRC supported the provision of treatment to over 680,744 patients on primary healthcare needs, 131,080 patients on hospital care, 1,020 burns patients, 2,352 injured patients and 3,750 war wounded cases. Furthermore, they got engaged in a three-year capacity building and strengthening program to the main three systems of ambulance in Iraq, Emergency Medical Services (EMS), Civil Defense (CD) and the Police Academy. For that reason, the ICRC held 55 workshops to 235 participants from EMS, 42 participants of CD and they also provided first aid training to 114 weapon bearers and 726 health staff from PHCCs,

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<sup>92</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>93</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>94</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

they trained 141 doctors from 11 hospitals on Emergency Room Trauma. ICRC also provided training to become ERTC trainers following ToT trainings in Kirkuk, Erbil, Dohuk, Najaf, Karbala, Diyala, and Baghdad. On the same time they organized a war wounded seminar in Kufa Medical College (Najaf Province) attended by 38 Iraqi surgeons from all over Iraq. For the same reason, ICRC built and rehabilitated several medical facilities, such as the emergency room in Salahaldin General Hospital, Sheikhan Operating Theater, Al-Furat PHCC in Babel and Laylan PHCC in Kirkuk, they deployed a surgical team to Sheikhan Hospital to provide emergency and trauma surgical care for war wounded people during the Mosul Operation and they provided technical and material short-term support to 13 PHCCs, and trained 360 health workers in these PHCCs in Dohuk, Ninawa, Kirkuk, Babil, Baghdad and Karbala. It is a fact that the PHCCs provided 251,660 consultations. Finally, they vaccinated more than 2,490 women and children under 5 years of age and trained 50 traditional birth attendants and midwives who will extend their services to pregnant women in Diyala and Kirkuk<sup>95</sup>.

The ICRC has been assisting the physical rehabilitation sector in Iraq since 1993, and this project continued and in 2016<sup>96</sup>. ICRC provided physical rehabilitation services to 37,753 patients including 10,898 amputees at the ICRC physical rehabilitation center and state-run centers, they assisted more than 600 children by supporting the clubfoot clinic in Najaf and they also provided 704 vulnerable service users with transport costs to access services. In addition, they provided on-the-job training to more than 80 professionals and training to parents of children with cerebral palsy. Moreover, individualized wheelchairs were provided to 386 persons with disabilities and delivered more than 1,000 walking aids at the ICRC-managed center in Erbil. To sum up, ICRC treated more than 1212 displaced persons and 217 refugees at the ICRC managed center in Erbil<sup>97</sup>.

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<sup>95</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>96</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>97</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>



In Iraq, that is a huge difference between that country and Afghanistan that we already have stated, there is also the threat of weapon contamination<sup>98</sup>. For that reason, ICRC took specific measures and in 2016 they provided mine and unexploded ordnance (UXO) risk awareness sessions for approx. 25,000 IDP's and local population who are exposed to hazards of weapon contamination. They also sensitized 35 participants of the General Secretariat for the Council of Ministers, 234 health workers, teachers and other community leaders on the risks of weapon contamination. They offered two chemical de-contamination trainings and equipment in two health structures in Ninawa for 78 health staff. Furthermore, ICRC supported Directorate of Mine Action (DMA) by printing 30000 leaflets and 2000 posters for risk awareness and by carrying out several technical and non-technical surveys on weapon contamination in Anbar Province. They also carried out several joint assessment missions in newly retaken areas, so to take precautions also for those areas<sup>99</sup>.

Last but not least, ICRC worked on reminding parties to the conflict of their obligations, improving knowledge of International Humanitarian Law. ICRC worked hard to inform authorities, weapon bearers and leaders to oblige with the International Humanitarian Law and other applicable laws and norms and to inform them about the right to first aid and health care, the right to protect the civilians and respect the rules of the war. For that reason, in 2016<sup>100</sup> they held training and information activities both in central Iraq and in the Iraqi Kurdistan Region for weapon bearers (including frontline commands and units) in order to increase their understanding of IHL & IHL and to incorporate them in the planning and conduct of operations. ICRC also supported the NCIHL, in line with its plan of action to incorporate IHL into national legislation, and supported its participation in the Universal Meeting of NCIHL in Switzerland. Furthermore, they held training sessions on IHL for senior government officials, weapon bearers, security personnel and judicial operators, and organized the

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<sup>98</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>99</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>100</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

annual national conference for university professors in Iraq. On the same time, they conducted two trainings for the Iraqi High Commission of Human Rights, one in Baghdad and one in Najaf. Finally, ICRC supported the incorporation and implementation of the “International Humanitarian Law and Human Rights” course into the curricula of the Iraqi Judicial Institute, in charge of training the country’s judges<sup>101</sup>.

All of these of course happened with the help of the Iraqi Red Crescent Society (IRCS). The total fund that was spend in 2015 in Iraq was 2,593,412,396 IQ, mostly donations and most of them were spend in medical support. The major fund of the program was theWorld Health Organization with 760,630,772 IQ, the Danish and Italian Red Cross /PSP with 311,000,000 IQ and the Danish and Italian Red Cross /mobile clinic with 260,000,000 IQ<sup>102</sup>.

No.	Contributors in 2015	Funds in IQ
1.	World Health Organization	760,630,772
2.	Danish and Italian Red Cross /PSP	311,000,000
3.	Danish and Italian Red Cross /mobile clinic	260,000,000
4.	German Red Cross	389,129,500
5.	Norwegian Red Cross	165,049,859
6.	Iranian Red Crescent Society	158,735,000
7.	Singapore Red Cross	131,408,200
8.	American Red Cross	102,128,715
9.	Turkish Red Crescent	67,500,000
10.	Zain Telecommunication Company	55,000,000
11.	International Committee of The Red Cross	52,014,000
12.	Swedish Red Cross	50,336,800
13.	Danish Red Cross	42,908,800
14.	International Federation for the RC/RC	35,006,750
15.	Japanese Red Cross	8,564,000
16.	Iraqi Lawyer Syndicate	4,000,000
Total		2,593,412,396

Picture 2: Contributors in 2015

<https://en.ircs.org.iq/wp-content/uploads/2016/03/en-ver.pdf>

<sup>101</sup>Iraq: Activity report 2016 | International Committee of the Red Cross [Internet]. [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/document/iraq-activity-report-2016>

<sup>102</sup> <https://en.ircs.org.iq/wp-content/uploads/2016/03/en-ver.pdf>

## 2.3. Syria

The Syrian refugee crisis is one of the most important issues that happening nowadays. The global dimension, the duration but also the number of displaced people which is enormous, consist the great importance of this phenomenon. The Refugee crisis was created due to the Syrian Civil war and represents the worst humanitarian crisis of our days.

The data that is collected shows not only the size of the crisis, but also the impact that this has mainly to the neighbour countries and further to the international community in general. During those years, more than 11 million people have been killed or forced to leave their homes<sup>103</sup>. The international community in many times seems insufficient or unable to act and deal with the crisis. As UNCHR stated at her report<sup>104</sup>, only in 2016 more than 4.5 billion dollars were required so they could deal and cover only the urgent and primary needs of the refugees and the international help was just \$2.9 billion.

The estimated 13.5 million people, half of them children, are in need, is an enormous and frightening number by itself<sup>105</sup>. For that reason, only in 2016, Red Cross in Syria has carried out over 57 operations across front lines, bringing food and essential aid to eight million people and clean water to millions more<sup>106</sup>. More specifically, Aleppo was the main focus in the end of 2016 as it was immediate the need of evacuation. ICRC, with the help of SARC facilitated the evacuation of 35.000 people from the eastern part of the city to the western rural Aleppo. After that, they continue helping those people in need according to their daily needs. For example, 6100 Families are receiving daily hot meals in the eastern neighborhoods of Aleppo, 1200 Families are receiving daily meals in Jebreen collective shelter and 12,327 returnee and displaced

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<sup>103</sup>“Quick Facts: What You Need to Know about the Syria Crisis.” Mercy Corps.N.p., 9 Mar. 2017. Web. 14 May 2017.

<sup>104</sup>Refugees UNHCR for. Global Trends: Forced Displacement in 2016 [Internet]. UNHCR. [cited 2017 Jul 14]. Available from: <http://www.unhcr.org/statistics/unhcrstats/5943e8a34/global-trends-forced-displacement-2016.html>

<sup>105</sup>Syria: How we've helped in 2016. International Committee of the Red Cross [Internet]. 2017 Mar 13 [cited 2017 Jul 14]; Available from: <https://www.icrc.org/en/document/our-work-syria-2016>

<sup>106</sup>Syria [Internet]. International Committee of the Red Cross. 2014 [cited 2017 Jul 14]. Available from: <https://www.icrc.org/en/where-we-work/middle-east/syria>

families received canned food, blankets and mattresses. Moreover, 2 Million People will benefit from critical repairs and technical support provided to Suleiman Al Halabi Water Station.

It is also really important that for the first time in 2016 the ICRC and SARC, in coordination with the ministry of Agriculture, launched a major project to support 5850 farmers, by distributing seeds and fertilizers. The project was implemented in six governorates (Rural Damascus, Quneitra, Sweida, Hassakeh, Homs and Hama)<sup>107</sup>. Moreover, 307 families in Homs and Aleppo received help to initiate or boost their small businesses, such as plumbing, hair-dressing and bakeries, as well as 5850 Families received seeds and fertilizers for their agricultural activities in Rural Damascus, Quneitra, Sweida, Hassakeh, Homs and Hama<sup>108</sup>.

According to providing food and the daily essentials to the people in need that they have been affected the most, 13 million bread packs were distributed to over 200,000 people in Aleppo, Damascus, DeirEzzor, Homs and Rural Damascus, 2.1 million people received hygiene kits, towels, mattresses, blankets and other household items in ten different governorates, 10 million people received food in twelve different governorates, from whom the 2 million received this more than once, and 153.000 people received winter clothes in Aleppo, Homs, Hama, Lattakia, Tartous and Rural Damascus<sup>109</sup>.

Moving forward to the healthcare sector for the sick and wounded people<sup>110</sup>, because of the Red Cross 1.4 million people were able to access improved healthcare services. Furthermore, ICRC offered 262.000 consultations to the patients through their support

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<sup>107</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>108</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>109</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>110</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

to SARC clinics and mobile health units, on the same time 1725 pregnant women in shelters and besieged areas received safe delivery kits to make their delivery easier. Moreover, 127.248 people were transported by SARC first aid ambulances, supported by ICRC and 1528 persons have benefited from physical rehabilitation aid. In addition, ICRC contacted trainings about weapon-wounded people, in which 141 surgeons and people from the health sector took part. It is also important that 703.000 people benefited from prevention and treatment for leishmaniasis and lice<sup>111</sup>.

As in all of the three cases that we study, ICRC is ensuring access to clean water and healthy environment to more than 15.000.000 people in Syria<sup>112</sup>. Only in 2016, 354.000 people received water delivered by trucks in Aleppo, DeirEzzor, Homs, Rural Damascus and Al Sweida when 179.000 bottles of water were distributed, mainly to hospitals in Aleppo. Moreover, 4 million people are benefiting from their sanitation program, on the same time when 536 water facilities were rehabilitated and upgraded throughout the country. Furthermore, 145.000 displaced people benefited from renovations and upgrading of housing, water and sanitation in 165 collective shelter and 274.00 people are benefiting from our solid waste management systems<sup>113</sup>.

Last but not least, ICRC promoted the human dignity and brought families together and in 2016<sup>114</sup>. For that reason, 538 oral greetings and Red Cross messages exchanged between individuals who were separated from their families. Additionally, ICRC held workshops and trainings and more specifically 629 SARC volunteers and staff were trained on mine risk education and 92 Syrian journalist attended workshops on the coverage of humanitarian issues. On the same time, 1156 SARC volunteers were

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<sup>111</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>112</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>113</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>114</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

supported to provide First Aid Services and 115 forensic specialists trained on autopsy and human identification<sup>115</sup>.

To sum up, ICRC in Syrian has more than 50 years of active work as an impartial, neutral and independent humanitarian organization. The partnership with the SARC is form great importance so it could continue fulfilling their aims in the country, now more than ever with the Syrian conflict. For that reason the operation in Syria is the largest in the world, with more than 400 staff members working in Damascus, Aleppo, Tartous and Homs<sup>116</sup>.

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<sup>115</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

<sup>116</sup>Facts and Figures (January-December 2016) - Syrian Arab Republic | ReliefWeb [Internet]. [cited 2017 Jul 14]. Available from: <http://reliefweb.int/report/syrian-arab-republic/facts-and-figures-january-december-2016>

## **RECOMMENDATIONS**

Since we have analyzed all aspects of humanitarian action, the legal basis and the related problems, we finally had some conclusions. In this last chapter, we will try to make some recommendations on the future of humanitarian aid, as they were also mentioned in the Agenda for Humanity.<sup>117</sup>

Firstly, it is very important to mention about the first World Humanitarian Summit<sup>118</sup> in Istanbul on 2016 , that it was a unique opportunity to renew the collective commitment, to reaffirm the collective responsibility to protect human lives and provide humanitarian assistance. But this opportunity should be implemented and not remain a plan. The relevant authorities should be used for this purpose by any means, whether political, developmental or humanitarian. Everyone should respect the results of the summit which confirm the common principles: the values of dignity, integrity and solidarity, humanitarian principles, respect for the obligations of international humanitarian law and the obligation to separate the humanitarian work from political agendas.

Secondly, humanitarian actors should engage intensively with dialogue and visibility with their conflicting parties to ensure access, protection and security. Local communities, in particular local civil society, should be encouraged and able to support the conflicting parties with the universal values on which humanitarian action is based.

Thirdly, governments should primarily ensure a safe and protected environment for humanitarian action. They must also provide the appropriate legal and political framework for facilitating humanitarian access: (a) for humanitarian workers: with regard to privileges and immunities, visas and entry requirements, work permits, freedom of movement and the possibility of developing humanitarian action on the basis of principles The context of the measures against terrorism: b) equipment and

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<sup>117</sup>Agenda for Humanity | OCHA [Internet]. [cited 2017 Jul 14]. Available from: <https://www.unocha.org/about-us/agenda-humanity>

<sup>118</sup>AGENDA FOR HUMANITY [Internet].AGENDA FOR HUMANITY. [cited 2017 Jul 3]. Available from: /agendaforhumanity

goods relating to: customs requirements and duties, taxation and transport. In addition, the agencies should strengthen their presence in remote and dangerous areas to ensure proximity to the affected population groups. This requires strict but non-limiting security protocols, the use of qualified and trained staff, and collaboration with those who have access.

In addition, the humanitarian community should systematically include the element of protection in the response to humanitarian crises, taking into account the vulnerabilities and capacities of certain population groups under given circumstances and the threats they face. Implementing bodies should develop comprehensive protection strategies for analysis, planning and monitoring through appropriate coordination mechanisms such as humanitarian groups or wider land-based formations and should have security personnel. Both cooperation between humanitarian actors and human rights activists, should be strengthened, as they are protection committees. However, humanitarian aid workers should be exempted from reporting obligations which may affect their neutrality, impartiality and independence, or operate at the expense of access.

It is important that the humanitarian community should create a comprehensive table on the effectiveness of humanitarian assistance to facilitate the entire reaction cycle. All actors involved in humanitarian assistance should contribute to and use this framework. This could include the following elements: a record of data that are exchanged on the basis of needs, risks, vulnerabilities and access as well as a list of available capacities. In addition, a platform for common risk analysis and coordination of needs assessment and a database for the complete monitoring of all allocated funds from all sources and the allocation to the local partners to the final beneficiaries should be included, as well as, common quality indicators, common outcome indicators and an assessment of results and impact and research.

Another important factor for the future are the sponsors. The sponsors should oblige the implementing organizations to coordinate the needs analyzes, taking into account the available context and the available skills as well as the use of analytical data and quality indicators. Sponsors should use these estimates in their decisions on



allocations. They should also undertake to rationalize their procurement and reporting procedures, while respecting their legal obligations and ensuring accountability to the representatives. The authorities should report on quality and results. And sponsors should commit themselves to systematically integrate accountability into the affected populations into their funding programs. Implementing bodies should, on the one hand, set standards for the participation of the affected population groups throughout the entire response cycle, including specific approaches for specific groups and, on the other hand, the establishment of appropriate mechanisms. Additionally, the United Nations and other implementing bodies represented in the Standing Inter Institutional Committee (IASC) will need to demonstrate that the Transformation Agenda has been implemented fully and systematically. Donors should, on the one hand, monitor and encourage this implementation and, on the other hand, consider the areas in which it would be advisable to review the methods or structure of the international humanitarian aid work to ensure results.

On the other hand, the coordination structures, which operate at the international and national level, should include all stakeholders involved in each specific response. This could be the case, for example, in the opening of humanitarian groups or wider formations by countries of the IASC. In the event that co-operation under existing coordination mechanisms is not possible, the OCHA should facilitate other methods to ensure the interoperability of the systems. The humanitarian response must primarily be based on the principles of solidarity and the subsidiary. Risk assessments or weakness analyzes should be established for all countries. An overview of the willingness and reactivity of relevant local, national, regional and international bodies should be carried out. At international level, OCHA could facilitate this mapping for a wide range of stakeholders.

The humanitarian community should also develop guidelines for scenarios that correspond to specific circumstances in order to clarify the roles of the actors and to identify the circumstances under which international aid is triggered. This includes a mechanism that ensures discipline in the systematic implementation of these different approaches. OCHA could facilitate this process in cooperation with its partners. On

the other hand, governments and sponsors should support the development of local actors' capacities, take action and take account of them in response. Regional organizations should be supported to establish a network for exchanging experiences and training. Regional organizations should be encouraged to include in their mandate solidarity provisions to support their members affected by a natural or man-made disaster.

The structure and effectiveness of humanitarian action need to be improved. Implementing bodies, under the auspices of the IASC, will have to reform the system of calls for support to ensure that there is a comprehensive picture of the financing needs and requirements, which could be achieved through a monitoring tool already mentioned above. Usually, individual implementation bodies should be integrated into this system and not rely on the support of individual assistance in exceptional cases in humanitarian needs. Instead, they should coordinate their efforts to avoid undue competition that would compromise efficiency. At the same time, the calls for assistance to provide quality assurance should be facilitated. Reports on responding to calls for assistance should include data for both the needs and those that were not covered, so that we could have sufficient quality support. Donors and sponsors should increase the proportion of people receiving immediate financial support, taking into account the circumstances. A specific target could be considered in any case.

The United Nations system and the traditional donor community should intensify dialogue with non-ODA donors, middle-income countries, regional organizations, the private sector, charitable organizations and foundations to finance humanitarian action. This could be done through regular, formal or informal meetings within the OCHA Sponsor Support Group or the Good Humanitarian Sponsorship Initiative. In addition, private sector incentives should be provided to contribute to humanitarian aid, such as the commitment to fulfill the corporate social responsibility objectives.

Finally, we recommend working with the development organizations and donors. This model should include a joint multi-risk analysis and, where appropriate, multi-year programming and funding as well as phasing-out strategies for humanitarian actors. It should deal with issues such as readiness, refugees and internally displaced population

groups, especially in the case of protracted crises. Donors should endeavor to facilitate foreseeable multi-year funding through interdependent humanitarian and development funds, particularly in the case of protracted crises. And the sponsors should also take into account crisis modifiers in development programs that allow the redistribution of crisis management resources to enable a more flexible approach.

## CONCLUSIONS

After analyzing the International Humanitarian Law, the application of the IHL and the humanitarian action as well as the different ways that Red Cross acted in armed conflicts we ended up with some conclusions.

First of all, according to the International Humanitarian Law we have to admit that it covers a huge variety of events. More specifically, it is an international law, applicable not only in armed conflicts but also in times of peace. Moreover, it is a concrete law that includes many different cases such as civilians, humanitarian aid, fighters etc. The only problem about that is the absence or limited awareness in some cases. The international community should inform and raise awareness to all the parties included in conflicts about the IHL but also the governments, the civilians, the NGO's etc.

At first, no one can question the role and the great supply of NGOs to society. A distinction should be made between NGOs that operate properly and those operating on an interest-based basis. From time to time, NGOs have been set up based on economic interests, e.g. Penetration into the markets of developing countries. In this case, NGOs lose their meaning and purpose and serve interests that alter their character. For this reason, transparency in each NGO would be called for. NGOs should also earn their resources rather than give money, because then there is a certainty that interests are hidden behind.

Another problem stated on the paper above is that the money is usually spent on the response rather than the awareness. "I ask the international community to rethink their spending mechanism. One way is to spend two-thirds on the reduction of disasters or its effects and one-third on response after disasters instead of the mechanism used now," said Wais Barmak, State Minister for Disaster Management and Human Affairs of Afghanistan<sup>119</sup>. "Building resilience starts with local communities and requires

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<sup>119</sup> IFRC launches 2016 World Disasters Report in Afghanistan - IFRC [Internet]. [cited 2017 Jul 13]. Available from: <http://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/afghanistan/ifrc-launches-2016-world-disasters-report-in-afghanistan-73918/>

partnerships between different organizations,” he added. “Despite these numbers, of the 3.3 trillion US Dollars spent on international aid finance between 1991 and 2010, just 0.4 per cent was spent on risk reduction,” said Ariel Kestens, the IFRC Head of Country Office in Afghanistan, during his speech to a gathering of humanitarian actors, government officials, civil organizations and the media<sup>120</sup>. So the main problem about the humanitarian action is that huge amount of money and funds are spent to first response rather than the awareness beforehand. This is a fact not only in natural disasters but in high risk areas of armed conflicts. The situation could be changed by raising awareness and handling programs before the actual need of humanitarian action.

Initially, the ICRC, together with national companies, wants to address the humanitarian needs of the most vulnerable people, migrants or not, and their families throughout their life journey. What they consider important first of all is that they appreciate the help they offer them and that they are welcomed and secured. The ICRC is conducting humanitarian actions in many countries affected by the waves of migratory, natural disasters, armed conflicts etc. It is the only International Humanitarian Organization that deprives their legal rights and immunities through the Geneva Conventions.

According to the specific cases of the Red Cross, we happily find out that the water sanitation is one of the major projects in all three countries. Water is the source of life, and none human being can survive without it. The second positive observation is that the humanitarian aid and programmes are existing in the countries not only before but also after the armed conflicts (Iraq/Afghanistan) and the presence of ICRC last for many years (50 in Syria for example). Moreover, as we have already mention that ICRC had presence in the countries for many years, even before the armed conflicts, this could be used to raise awareness and carry out trainings so the people could use their knowledge for future events. Furthermore, according to International

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<sup>120</sup> IFRC launches 2016 World Disasters Report in Afghanistan - IFRC [Internet]. [cited 2017 Jul 13]. Available from: <http://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/afghanistan/ifrc-launches-2016-world-disasters-report-in-afghanistan-73918/>

Humanitarian Law, ICRC positively held awareness campaigns, not in all three countries, but at least they have held trainings about that.

Additionally, we noticed that Red Cross had and continues having a nice partnership and cooperation with the local departments. This help both of them to carry out more easily and sufficiently their programs. In this point we could add that ICRC are the major (if not the only one) who play the role of the mediators between the families. With their programs they try to keep up the communication and the relationships between the families all over the world and also help them find out what happened to their beloved ones. This is really important because according to health and food there are also other NGO's that could provide help, but this one is a privilege of the ICRC.

Furthermore, according to the circumstances, they tried and manage to provide medical help and food in huge amount of people in all three countries and the most important is that they did not stop providing their help not even in very difficult circumstances (Aleppo). In addition to that, they do not only care for the first response but they also offer trainings and workshops that will help people in the future and made them independent, such as weapon-wounded people and farming sections, even on times of armed conflicts.

On the not so positives conclusions we could add the fact that nowadays they are many humanitarian organizations and it is very difficult to gain immunity and privileges for all of them and this sometimes has an impact also to Red Cross (the case of Afghanistan when 6 member of the Red Cross died). Additionally, because of the tensions and the escalations on the situation in Syria, and even the huge efforts from the Red Cross the humanitarian aid is less than what it is needed and it could not cover all the needs. Moreover there are not some many data to prove that situation.

To sum up, Red Cross, despite all the difficulties, it is always by the side of people in need and as Peter Maurer, president of the International Committee of the Red Cross, to the Council of Europe in Strasbourg, France, on 26 October 2016 said: "For the ICRC, as a humanitarian organization, it remains obvious that above all, humanitarian problems require political solutions, and we welcome all of your efforts toward

conflict management, resolution and reconciliation through the respect for the shared values of democracy, the rule of law and human rights, fundamental freedoms as well as through pan-European co-operation<sup>121</sup>.”

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<sup>121</sup> Migration: Speech by ICRC president to Council of Europe. International Committee of the Red Cross [Internet]. 2016 Oct 26 [cited 2017 Jul 14]; Available from: <https://www.icrc.org/en/document/speech-icrc-president-address-council-europe>

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# Humanitarian aid in armed conflicts: a case study of Red Cross

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