

22nd Maurice Blackburn Oration – 2 August 2018

The Humanitarian Impact of War

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I would like to pay my respect to and acknowledge the Wurundjeri peoples, the Traditional Owners of the land on which we meet on today. I would also like to pay my respects to Elders past and present; in particular Aunty Di Kerr

I would also like to acknowledge

- Members of the Blackburn family
- Mayor, John Kavanagh and councillors (current and former)
- Nerina Di Lorenzo
- Members of parliament and distinguished guests

Thank you for inviting the Red Cross and me here tonight. It is an honour to be asked to present the 22nd Maurice Blackburn Oration on the humanitarian impact of war.

For over 100 years committed and passionate women have played leading roles in the Red Cross in Australia as we pursue our commitment to human dignity, peace, safety and wellbeing for all. When I read about the life of Doris Blackburn I am reminded of these women. From her Presidency of the Women's International League for Peace and Freedom through to her focus on empowering women and Indigenous peoples, through to her role in government and her voice against nuclear weapons, she was a major influence on the issues that matter to Australians and to Red Cross. Similarly, Maurice Blackburn strongly shaped Australia through his dedication and commitment on critical matters which from social justice, workers rights to international peace. On many occasions challenging what others believed to be 'right' in order to build a more socially equitable Australia.

What a powerful contribution they both made in the last century and what a tremendous legacy they have left and, through their family members, keep alive.

So, to the topic of the humanitarian impact of war

Today millions and millions of people, just like you and me, are trying their best to go about their lives while living in a war zone. Conflicts around the world are tearing families apart and forcing people to flee from their homes and loved ones in the hope of finding safety elsewhere. In Syria alone, some 12 million people – that's 65% of the population – are internally displaced or living outside their country as refugees.

At the same time millions of children are growing up knowing nothing but war – in fact around 27 million children are out of school due to conflict. I'd like you to just really try to comprehend that number for a minute. 27 million children are missing school because of a conflict or war and as a result, being denied an education. 65 million in total have been displaced by war and conflict.

Many of these conflicts have dragged on for at least half a decade with a diverse and complex mix of warring parties. The causes are complex and multifaceted.

The humanitarian impact of war on all those involved is great.

In a moment I will talk to how war and conflict may change in the future but before turning to that let me first talk to three critical challenges we see right now:

- the protection of humanitarian workers,
- the growing challenge of conflict urban areas, and
- the growing tensions around nuclear weapons.

The protection of medical and humanitarian personnel

The protection of medical facilities and personnel in times of war is a critical issue the medical and humanitarian community is grappling with. The protection of health care facilities – that's hospitals and clinics – and health care workers – doctors and nurses – is at the core of modern international humanitarian law.

Attacks on health care, in all its forms, is prohibited under the laws of war. Yet every day, around the world, medical personnel, patients and medical facilities come under attack. Hospitals and ambulances are deliberately or accidentally targeted; medical facilities are misused; doctors, nurses and patients are

threatened or attacked; and civilian access to medical services is blocked or delayed.

In the last two years alone, there has been an incident of violence against a health care facility or personnel in a conflict zone, every week.

In the last two years the ICRC registered more than 1,200 cases of violence against health care facilities or personnel in 16 countries alone.

In May, a German nurse working for the ICRC was abducted by armed men in Mogadishu. That same month armed men stormed a hospital in the Central African Republic where an ICRC surgical team operates, threatening patients, medical staff and Red Cross volunteers. That barely scrapes the surface of what happens every week somewhere in the world.

All this has far-reaching consequences as doctors and nurses flee their posts, hospitals close, medical services cease and vaccination campaigns come to a halt. These can leave entire communities without access to adequate medical services. Violence, both real and threatened, against patients and healthcare workers and facilities is one of the most important yet overlooked humanitarian issues of today.

Urban warfare

Urban warfare is another big challenge with complex and interconnected humanitarian impacts.

Cities have never been immune from war. More than half of the world's population now live in cities and armed conflicts are increasingly fought in populated areas - think Gaza, Mosul in Iraq and Mogadishu in Somalia. This puts civilians at a greater risk of death, injury, and displacement.

We believe this trend is likely to continue as urbanisation around the world intensifies. To make matters worse, fighters in these conflicts often avoid facing their enemies in the open, instead mingling with the civilian population. This is particularly true of non-state armed groups.

At the same time, armed conflicts continue to be fought with weapons designed to be used in the open when battlefields were exactly that - fields. When these weapons are used against military targets in populated areas the effects are likely to be indiscriminate, and often with devastating consequences for civilians.

When wars are fought in densely populated areas the first obvious consequence is that more people will be killed and injured. When hospitals are destroyed – because hospitals are in cities – there won't be treatment for the injured, which means more illness, more people living with disabilities, more suffering and more deaths.

The city's supplies like water and electricity are very likely to be disrupted or decimated – critical systems that the people in the city depend on. The chance of epidemics is increased, more people will be displaced, and communications are sporadic – the effects will spiral on and on.

As you can see, these issues can't be viewed in isolation – so many of these issues have intertwined strands that all feed into one another creating complex and enormous challenges.

Nuclear weapons

And finally, to an existential threat hanging over all of our heads – that of nuclear weapons.

Our world was changed forever on the 6th of August 1945 when a white flash appeared over Hiroshima in Japan. A nuclear weapon had been detonated over the city. An assessment later found that as well as the complete destruction of medical facilities, equipment and supplies in the city, approximately 90% of the medical profession and 80% of the pharmacists in Hiroshima had been killed or injured in the blast and its immediate aftermath. There are other stories to tell – not as devastating as those of Hiroshima and Nagasaki's story – but important to share and connect together.

Our own part of the world, Australia and the Pacific, has our own tragedies to add to those of Japan. Between 1952 and 1963 there were 12 major nuclear weapons detonated in Australia – in the South Australian outback and off the coast of Western Australia. The impact on Aboriginal communities living in the area of the testing – many of them not warned – continues today.

The use of nuclear weapons goes against all the central tenants of the laws of war. These weapons cannot distinguish between combatants and civilians. Their effects cannot be limited in space or time. They are so destructive that there is no possible effective humanitarian response. Humanitarian organisations simply would not be able to cope with the scale of injuries and deaths in the event of a nuclear detonation.

Yet many nuclear weapons states are modernising their arsenals with enough weapons on 'trigger alert' to obliterate the planet several times over.

Looking to the future

Add to this the undeniable fact that the nature of war is fundamentally changing. Despite having so many critical humanitarian challenges that we need to deal with right now; we also need to be turning our minds to what new types of humanitarian needs will emerge as warfare itself evolves.

What will the battlefields of tomorrow look like? Where and how will wars be fought? And by whom and with what weapons? How will communities and individuals be impacted? What will the nature of the humanitarian impacts be in the future?

Technological advancements in medicine, power sources and the way people communicate day to day will all impact on the way civilians experience conflict. Indeed the whole fourth industrial revolution will generate significant change in societies and we know that robotics, big data, artificial intelligence, 'human enhancement' will change the face of war forever.

Every issue I have just mentioned will become a major factor in how wars are fought and communities are impacted in the coming decades. Several are already raising significant moral, ethical and potentially legal issues.

For example, right now, one of the major issues being debated globally is how much autonomy is given to weapons systems. What happens when a weapon becomes so sophisticated it can make its own decisions on who to target and how, without any human intervention beyond the initial programming?

Some think there is actually a duty for countries, who have the resources and capacity to do so, to develop this technology if it might reduce the impact of armed conflict on civilians and one's own armed forces.

Another opinion is that autonomous weapon systems will only have limited ability to comply with the rules of war, and many of the advantages foreseen in using these weapons could instead be achieved using weapons that are remotely operated under human control; for example, drones.

There is also debate about whether the principles of humanity and the dictates of public conscience would – or should – permit life and death decisions to be made by a machine. If someone is a lawful target does it matter how they are killed and who – or what – makes that assessment? Does respect for human

dignity mean that the decision to lawfully take someone's life must remain with humans and cannot be delegated to a piece of hardware? And if something goes wrong who is accountable for a war crime committed by a robot that made an incorrect assessment?

Another big issue is the very real possibility of a war in space. The Dean of the Law School at the University of Adelaide recently said "Conflict in outer space is not a case of 'if' but 'when'." And it makes sense. As one of our long-serving Red Cross IHL volunteers put it nicely when he explained that 'space is a key enabler for communications, surveillance, early warning, and navigation systems, and is a critical security and conflict domain.'

Cyber warfare is another challenge that is already well and truly upon us. It will only increase in scale and complexity as our reliance on technology increases. Cyber warfare is governed by the laws of war, but can we predict how these laws will need to be interpreted as our reliance on technology increases?

When you consider the potential of using cyber-attacks to target, for example, oil pipeline flow systems, nuclear plants, electrical grids, or even air traffic control systems, the enormous humanitarian challenges become immediately apparent.

Another area throwing up huge ethical questions is human enhancement. As one commentator put it: 'we now know enough about biology, neuroscience, computing, robotics, and materials to hack the human body, reshaping it in our own image. And defence-related applications are a major driver of science and technology research.'

What all this means for the humanitarian impact of war is exercising the minds of many people including us in the Red Cross, Red Crescent Movement.

There are, of course, no easy answers, no silver bullets.

How we as humanity grapple with these issues?

However we do see potential answers for improving the humanitarian impact of war. I'd like to talk about three of those.

Firstly, greater adherence to the laws of war

War – and our attempts to regulate it – are as old as humanity itself. From the Ancient Greeks to Mesopotamia, to the island nations of the Pacific, cultural

practices reflecting the principles behind international humanitarian law – or ‘the laws of war’ – have existed for millennia.

When the modern idea of codified laws of war was negotiated in Western Europe by Henry Dunant, the founder of the Red Cross, just over 150 years ago, he recognised the humanitarian consequences of war and aimed to alleviate suffering on the battlefield.

The laws of war protect people who are not, or are no longer taking part in the conflict, and they place limits on the ways in which wars are fought. This means certain groups of people – the wounded and sick armed forces, prisoners of war, and, of course, civilians – should not be the target of an attack. The laws of war say you must not use weapons that can’t distinguish between a military target and a civilian target. And you must not use weapons that are disproportionate in the incidental civilian damage they cause.

These laws also give the Red Cross and Red Crescent Movement very particular roles and functions in times of conflict and a responsibility to disseminate and ensure respect for these laws around the world. Today in 191 different countries around the world, it’s our job to predict what the next challenge might be and to prepare for it – through law, policy and practice.

While these rules seem fairly straightforward, today’s modern conflicts are putting an unprecedented strain on them.

One of the founders of the Red Cross, a lawyer named Gustave Moynier, said back in 1872 that whilst the codification of the laws of war were a great step forward, there would likely need to be some sort of international court to enforce them. 130 years later the International Criminal Court came into effect.

Our collective challenge is how to have this same foresight and look at how the battlefield – now more likely to be a city than a field or perhaps even the moon – will evolve for the next 150 years, and ensure that the laws of war continue to protect people every day in the darkest circumstances of human creation.

I would like to think what drove Moynier’s foresight was not just a love of law for the law itself; but rather an abiding concern for the human condition and to bring a little more humanity to places where it’s needed most. And of course just a good dose of good old common sense.

We in the Red Cross Red and Red Crescent Movement, deeply believe that despite all these challenges, international humanitarian law is one of a set of tools we must continue to use in order to limit the excesses of war that we see today and predict for the future.

They contain minimum principles of respect and dignity. Civilians should not be targeted and should have access to medical care; wounded and sick soldiers should be spared; prisoners of war should be treated humanely; torture is never OK, neither is sexual violence. These are principles that we expect all fellow human beings to uphold, even when faced with their worst enemy. They are the safety net that keeps us grounded in what it means to be human during times that are often characterised by suffering and despair.

Many people facing armed conflict agree.

In 2016, the ICRC conducted a survey to gauge public opinion on issues relating to the 'laws of war'. The results clearly showed that people living in countries affected by armed conflict believe the law matters, that the Geneva Conventions are still relevant today and that they prevent wars from escalating.

However, those results also showed that a higher proportion of people living in non-conflict affected countries – like Australia – were more accepting of civilian deaths in conflict zones as an inevitable part of war and didn't understand the importance of the laws of war.

So how do we shift this? How do we ensure that we pay attention to the challenges – and as you can see – they are big ones; without eroding the credibility and respect for the laws of war, particularly in our own backyard?

What needs to change? The way these laws adapt, interpret and mould themselves around future trends. And the respect for the rights and obligations set out in this laws by those that have to use and apply them.

And all of this also means that the Red Cross and Red Crescent Movement's role to inform and educate people about the laws of war is more important today than ever before.

Where is International Humanitarian Law working?

The answer is all over the world, every single day.

Each time a humanitarian mission is granted access to people affected by armed conflict, the rules of war are silently working in the background.

During and after the ongoing armed conflict between Colombia governments and FARC, the guerrilla movement the Revolutionary Armed Forces of Columbia, several deals have been made between the parties to allow for an efficient search, identification and delivery of the remains of people deemed missing in this conflict.

After social unrest escalated into armed conflict in Libya in 2011, authorities permitted the ICRC to visit detention facilities and detainees of their choice. During the same conflict, the Libyan National Transitional Council launched a manual on the rules of armed conflict and distributed it, including sending parts of as text messages to mobile phones and broadcasting parts of it non-stop on radio and TV.

The Moro Islamic Liberation Front unilaterally committed to a total ban on anti-personnel mines in its conflict with the Government of the Philippines. Its commitment is used as an example for other non-state armed groups in the Philippines.

On the nuclear weapons front, just last year – following more than two decades of paralysis in disarmament negotiations – 122 states voted to adopt a landmark agreement to eliminate nuclear weapons forever. The Treaty on the Prohibition of Nuclear Weapons is the first ever globally applicable multilateral agreement to comprehensively prohibit nuclear weapons.

Mostly, the reality of armed conflict is more nuanced than what is generally reported in the media and by NGOs. Despite numerous violations of the law, compliant behaviour shows that these existing rules are adequate and can significantly reduce human suffering.

We need to foster a change in the way we talk about, teach and research international humanitarian law so that we do not ignore the suffering of victims of armed conflict, particularly when these laws are violated. And also so we do not chip away at the credibility of these laws that every day prove themselves to be effective at alleviating human suffering in conflict.

But we also need to be realistic. And in the same way Gustave Moynier, the 19th century lawyer I spoke of earlier, foresaw the need for an international court over 100 years before it came into effect, we need to predict how the laws will need to adapt, be interpreted and applied in order to protect those

who feel the very real impacts of armed conflict and maintain the credibility and relevance of these set of rules for tomorrow's battlefield.

Secondly, focussing on the use of technology for good

The second relates to the growing move to ensure that technology is a force for good as the world shifts into the 4th Industrial Revolution. Just last week, the Human Rights Commission held an international conference on human rights on technology.

The conference was about the human rights implications of unprecedented technological change, and launched a major research project that will look at the impact and opportunities of new technologies to protect and promote our rights and freedoms. The project will investigate issues such as artificial intelligence, algorithmic bias, big data, inclusive technology, and the intersection between technology, free speech and democracy.

In the words of the President of the Australian Human Rights Commission Distinguished Professor Rosalind Croucher, "We must focus on the principles of security, responsibility, integrity, inclusivity, and especially humanity because it is without the last that we will be abandoning all hope in this digital revolution."

We're already thinking about this at Australian Red Cross. We're working on an initiative we call 'Humanitech' which will be about the intersection of humanity and technology to deliver humanitarian outcomes. Humanitech will bring together the best minds working at the intersection of technology and social innovation. They will explore the role of emerging technology in better meeting humanitarian needs within our communities and to pioneer new solutions through sharing, collaboration and experimentation.

While a huge generalisation, perhaps we can imagine that humanitarian action for the past century has focussed more on the basic levels of 'Maslow's hierarchy of needs' – shelter, food – whereas this century there may well be a digital hierarchy of needs around core elements such as security, identity, dignity.

For example:

- **SAFETY & SECURITY.** Navigating a future in which technology is introducing new risks, challenging our current protection mechanisms,

while also increasing our capacity to prepare and respond to ensure the safety of humanity.

- Example: through satellite images, on-the-ground drone footage, and crowd-sourced mapping, AI-enabled data analytics is already strengthening early warning systems and improving humanitarian response efforts to disasters.
- Example: in 2017 the International Committee of the Red Cross partnered with the Japan XR (Extended Reality) Hackathon to develop ideas such as the Happy Children application to support amputee children.

• **IDENTITY.** Ensuring that all people have access to a self-sovereign and portable digital identity as a foundation for civic and economic participation.

• Example: both the International Committee of the Red Cross and the UN are exploring ways to use block chain to provide legal identity to undocumented people paving a way for them to access fundamental protection and services.

• Example: As I speak the International Committee of the Red Cross and Microsoft are together working on facial recognition technology to help reunite families separated by conflict

• **DIGNITY** Safeguarding the wellbeing of humans in conflicts, disasters and in a post-work future - using technology to create opportunities for new forms of civic and economic participation.

• Example: during protracted conflicts, technology may provide new opportunities to ensure access to education for children in conflict zones.

• As artificial intelligence and automation changes the nature of work, concepts such as a Universal Basic Income are being explored by governments and other organisations to ensure a decent standard of living for ordinary people.

Thirdly, partnering for greater humanitarian impact during times of conflict

How can we take advantage of the diversity of actors in a conflict zones – it's not just local populations, armed fighters and humanitarians.

Private enterprises are increasingly present in conflict zones. And whilst many are demonstrating their commitment to conduct activities in a conflict-sensitive manner, particularly vis-à-vis human rights obligations and in accordance with the Sustainable Development Goals, there is also growing global acknowledgment of both the positive and negative impacts that businesses can have on armed conflict and other situations of violence. There are examples of businesses playing significant social, political and economic roles in conflict situations, such as providing valuable services to civilian populations in times of war

Australian companies – from mining and resources, to finance, tech and communications as well as medical service providers – are increasingly exposed to these conflict-affected areas around the globe, primarily due to the proximity of business operations to war zones and through hiring private security forces when operating in insecure environments.

How can we leverage this? How can we build partnerships which help to create more positive humanitarian outcomes for local populations where they operate? How can we shift the understanding and respect for IHL in the private sector?

For example, companies can improve their role by embedding international humanitarian law capability and capacity through their workforces. Law firms and professional services firms can influence companies to integrate these laws into their already well-established sustainability, human rights and corporate social responsibility frameworks. And finally regulators and policy makers have a very important role. Examples such as the Global Reporting Initiative or even the ASX may have an important role to play in highlighting the importance and relevance of corporate respect for international humanitarian law in conflict-affected countries and to require organisations to embed this area of law into their regulations and guidelines.

With all three of these opportunities to mitigate the humanitarian impact of war, we at the Red Cross will challenge ourselves to look ahead in the way that's grounded in pragmatism and driven by a commitment and belief in humanity above all else.

We will push ourselves to predict issues ahead of time and to connect the dots between different emerging trends like the ones I spoke about earlier. For example, what happens when counterterrorism measures and its legal

framework – which, by the way, is challenging our entire humanitarian system and Red Cross' capacity to help people in a neutral and impartial way – meets the laws of space. How do autonomous weapons square off with cyber warfare and what are the second, third, fourth tier unintended or unforeseen consequences of these developments?

Discussions about the challenges on our doorstep today, tomorrow and in 50 or 100 years from now are vital.

It's clear the world is changing at such a rapid rate in so many areas, and the ways in which wars are fought, won and lost are not immune from the technological, scientific and other advancements happening in particularly other fields of endeavour.

In conclusion

For us, the principle of humanity is at the core of everything that matters – in all spheres of life, in times of peace and in times of war. In every country of the world. There must be humanity on the battlefield and we must do all we can to limit suffering.

We live in a new era and it is not a peaceful one.

As I said at the beginning of this presentation armed conflicts are tearing apart vast swathes of our world.

And millions of people live without adequate water, food, shelter and healthcare services.

Millions of children will never receive an education because conflict has been present their entire lives.

Hospitals and medical workers are being attacked.

Conflicts are protracted. The causes are multifaceted. The consequences are far-reaching. And rapid change is always on the horizon.

It has never been so urgent to teach people about the importance of international humanitarian law; of acting with humanity and of preserving human dignity.

We must never stop. Because wars without laws are wars without limits. And wars without limits herald the end of what it means to be part of a shared common humanity.

Let's also together make the most of this growing focus on how technology can reinforce social good, empowerment, self-agency, particularly in times of war and conflict, and in our everyday lives.

Bringing us right back to those whom we are here tonight honouring – the Blackburn's – two people who lived their lives to build a stronger, more equitable society.

Thank you.