

## Submission of the International Committee of the Red Cross to Australia's New International Development Policy

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. The work of the ICRC is based on the Geneva Conventions of 1949, their Additional Protocols, its Statutes – and those of the International Red Cross and Red Crescent Movement – and the resolutions of the International Conferences of the Red Cross and Red Crescent.

The ICRC welcomes the opportunity to provide input into Australia's New International Development Policy (NIDP). This submission and its recommendations are based on the experience of the ICRC in its operations in more than 100 countries worldwide. The ICRC undertakes its humanitarian work in some of the most complex environments, including in protracted conflicts, urban settings, and in response to large-scale displacement.

ICRC notes and supports the complementary submission of the Australian Red Cross (ARC). As part of the broader International Red Cross and Red Crescent Movement, both the ICRC and ARC endorse legal frameworks and norms – at domestic, regional and international levels – that protect vulnerable people and prevent and mitigate negative humanitarian consequences. This submission will refer to and support the ARC's submission on various matters, acknowledging their critical role in response to disasters and other humanitarian needs in Australia and as a strong supporter of local actors in areas affected by conflict, natural and other disasters.

### 1. Ensuring that humanitarian action is a key component of ODA

Humanitarian action is an important enabler for effective development work. **ICRC urges the Government of Australia (GoA) to ensure that humanitarian action remains an essential component of the NIDP. ICRC also urges Australia to be a global leader by supporting long-term investments and reform in humanitarian action.**

In the absence of development actors in complex environments, humanitarian actors regularly provide development assistance. This work is, however, outside of humanitarian mandates and limited in its capacity to scale. For ODA to be effective humanitarian and development actors must bridge their work. As a strong supporter of both humanitarian and development objectives, **Australia should continue to lead and encourage the convening of the aid sector to sustainably meet the long-term needs of populations affected by conflict and violence.**

### 2. Protecting principled humanitarian action

The current international political environment has put significant pressure on the humanitarian principle of neutrality and the actors that abide by it. The rise of nationalism, the 'crisis of multilateralism', and the fragmentation of the international order have resulted in increasingly polarized political approaches to global challenges. ICRC has observed that political and military decision-makers increasingly perceive neutrality as an interference or obstacle that is inconsistent with their strategies to win elections or wars.

Neutrality is a key component of principled humanitarian action. Neutrality does not mean indifference, leniency or silence. It is a tool for humanity. Neutrality helps generate and maintain the confidence of all. This trust creates space for dialogue and the ability to provide humanitarian assistance. It enables humanitarian actors to operate directly or indirectly with the many people affected by conflict. **It is important that the GoA recognise the principle of neutrality and ensure it is a core feature of any future**

**humanitarian action.** The NIDP should be underpinned by the idea that humanitarian action must not be politicized and must be free of unnecessary conditions and/or restrictions.

Sanctions, counter-terrorism (CT) measures and related administrative impediments continue to have adverse effects on populations affected by conflict and their ability to access humanitarian assistance. Such measures limit the capacity of principled humanitarian organizations to secure funding and to provide essential services and critical humanitarian activities. **ICRC calls on the GoA to recognise the impact of such limitations on principled humanitarian action and to ensure that the NIDP complies with IHL, enabling neutral, impartial and independent humanitarian action to be supported and facilitated, not obstructed or criminalized.** This includes in areas controlled by non-state armed groups designated as terrorists or listed under sanctions regimes. **The NIDP should guide the GoA to integrate standing and well-framed humanitarian carve-outs in the design and implementation of sanctions and CT measures, and to put these carve-outs into practice.**

### 3. Strengthening humanitarian action, particularly in protracted conflicts

Whilst the sudden onset of conflict causes considerable negative consequences for civilian populations, protracted conflicts in multiple locations worldwide are a major cause of human suffering. These conflicts have led to long-term displacement, migration and development reversals. Approximately two thirds of ICRC's budget is spent on protracted conflicts and the ICRC has been present in its ten largest operations for an average of more than 42 years.

In protracted conflicts resilience is key. Emergency relief can be designed to strengthen resilience for the greatest humanitarian impact. A resilience-based approach sees the response to needs as an opportunity to strengthen communities, households, and social institutions. Where possible, humanitarian action should strengthen existing systems: supporting livelihoods as well as provision of food assistance as required; providing structural support to water authorities and infrastructure together with delivering water as a temporary measure. This approach aims to address both short and mid-to-long term needs simultaneously. **ICRC urges the GoA to make assistance, support, and funding to humanitarian actors under the NIDP both flexible and long-term.** This will help to ensure that emergency responses can be designed, implemented, and adapted to support resilience among those receiving assistance. This approach also doubles as an investment in preparedness and can reduce future humanitarian needs, laying the groundwork for lasting longer-term development.

**ICRC encourages the GoA to recognise early recovery efforts in protracted conflicts as part of a humanitarian imperative and assistance process.** In places where essential services are on the brink of collapse, potentially leaving millions of people unable to meet basic needs, and where traditional development investment is limited or constrained, it is critical to ensure that basic services and systems stay afloat, and that affected people can meet their needs with agency and dignity. This longer-term focus reinforces the capacity of communities, especially in urban areas, to begin their recovery efforts. To help achieve this, **ICRC encourages the GoA to incorporate early recovery into the notion of "humanitarian action" in policy, sanctions, and other restrictive regimes.**

**Individuals, households, and communities must be at the core of the NIDP.** Globally, aid policy is still largely directed by the priorities of States and international organisations that create programs based on assessable parameters. Affected populations are generally taken into account, but people themselves are rarely at the centre of aid policy design. It is the ICRC's experience that in States weakened by conflict the needs of people cannot be met without the direct involvement of affected communities. **ICRC encourages the GoA to ensure meaningful and systematic participation of people in need when developing and implementing its future aid programs, and that this be reflected in the NIDP.**

Australia is at the forefront of championing locally-led humanitarian action. Across the world locally led humanitarian practices are shaping the humanitarian landscape, ensuring that emergency response is

context-specific, and resilience building is rooted in local economies and cultures. **ICRC recommends that Australia continue to support locally led humanitarian action into its global humanitarian programming. ICRC asks Australia to continue supporting the unique work and position of local Red Cross and Crescent National Societies** who are often prominent local actors in the humanitarian and development sectors. ICRC supports the position of its partner in Australia, the ARC, and refers the GoA to their recommendations on locally-led action.

#### 4. Ensuring flexibility in programming and funding of GoA ODA partners

It is ICRC's experience that operational flexibility enables the best outcomes to address humanitarian needs. Flexible contributions in the form of unearmarked funding are essential for the ICRC and other humanitarian and development actors to fulfil their mandates. The availability and predictability of non-earmarked funding is crucial for aid agencies to put the humanitarian imperative into practice.

The Grand Bargain agreed at the World Humanitarian Summit in Istanbul 2016, to which Australia is a signatory, includes several commitments aimed at improving the quality of humanitarian funding and progressively reducing the level of earmarking. The Grand Bargain emphasizes the importance of increasing predictable and flexible funding to improve the efficiency and effectiveness of humanitarian action. **ICRC urges the GoA to commit to continuing high levels of unearmarked funding for humanitarian actors to enable effective principled humanitarian action globally.**

Consistent with the spirit of the Grand Bargain, and wherever possible, **the ICRC also urges Australia to rely on humanitarian organizations' multi-donor standard reporting, to allow for the most efficient use of available resources to directly assist people in need.**

#### 5. Promoting and respecting IHL for real development outcomes

Homes, livelihoods, the environment and the provision of basic services are indispensable to people's survival. All of these are affected by armed conflict. Lasting sustainable development is more difficult to achieve if these elements are destroyed or damaged. IHL sets limits on the means and methods of warfare. If properly respected, it can significantly minimise the negative impacts on civilians living through conflict, in turn decreasing the vulnerabilities that affect their reintegration into a peaceful life focused on development. Australia has a strong track record of advocating for IHL and humanitarian principles. **The ICRC encourages the GoA to ensure that the promotion of and respect for IHL remain at the core of the NIDP.**

With the development of new means and methods of warfare, there are risks of negative impacts upon civilians. Therefore, it is important that IHL guides their use, be it autonomous weapon systems, the use of explosive weapons in populated areas, partnered warfare, cyber warfare, or urban warfare. ICRC is working with States on the application of IHL in these emerging fields and encourages Australia to remain actively engaged in global processes and IHL discussions. **ICRC urges Australia to take advantage of the existing international partnerships and relationships to enhance frameworks and institutions that promote better respect for IHL and protection for those who are not or no longer participating in armed conflict.**

#### 6. Addressing the effects of climate change and conflict

In 2022, of the 25 countries most vulnerable to climate change, 14 are experiencing conflict.<sup>1</sup> This speaks to the high vulnerability and limited coping capacity of people enduring conflict. Despite this, the needs of people in places affected by both climate shocks and conflict are often overlooked and climate action supported by appropriately tailored climate finance is often absent. Climate change can exacerbate tensions over governance of scarce resources, economic risks, and environmental degradation. This complex interplay can lead to new conflict or violence. In places where conflict and climate shocks collide, ICRC has observed a worsening of food security, affected livelihoods, water insecurity, health disparities, restrictions on essential services, and the weakening of societal institutions to support those in need.

Investment in preventive action, including anticipatory action, can limit the humanitarian consequences of combined climate risks and armed conflict. Climate adaptation and resilience efforts must be conflict sensitive and backed by climate finance that accepts the risks of operating in conflict affected areas. **ICRC urges the GoA to ensure that its climate action also reaches people in conflict affected areas. ICRC also calls on Australia to support reform in international systems that currently preclude climate finance disbursed by multilateral funds and banks being allocated to conflict affected places.**

In May 2021, the Climate and Environment Charter for Humanitarian Organizations opened for signature. The ICRC and International Federation of Red Cross and Red Crescent Societies (IFRC) co-led the Charter's development in consultation with the humanitarian sector, aiming to galvanise and guide humanitarian response to climate and environment crises. The Charter captures both the importance of stepping up the response to growing humanitarian needs and help people adapt to the impacts of crises, as well as maximizing the environmental sustainability of humanitarian action. Since its launch, over 300 humanitarian organizations have signed the Charter, and it has received the support of major humanitarian donors. **ICRC urges the GoA to formally support the Charter and its objectives.**<sup>2</sup>

### 7. Ensuring a principled approach to new technology and the digital space

Digital technologies create an unprecedented capacity to generate, collect, compare, combine, analyse, and store personal information. Providing protection and assistance to victims of armed conflicts and other situations of violence involves processing personal data, which if mishandled, could have severe implications for affected people. Protecting personal data means protecting people. In its preparation and response to humanitarian emergencies, the **GoA's NIDP should incorporate data protection rules and principles into all future activities, including duty of care and do no harm principles.** This is particularly important when deploying new technology in assistance activities.<sup>3</sup>

The proper use of new technologies can be a matter of life and death. Implementing technology that is unsuitable can lead to increased vulnerability, stigmatization, discrimination, persecution, and attacks on the physical and psychological integrity of certain populations. For example, tools with a surveillance element used outside of existing legal frameworks and beyond their original purpose, or the requirement for compulsory biometric registration, can present significant risks to vulnerable populations. Affected communities' access to essential humanitarian services is based on trust in humanitarian action. The capacity for humanitarian organizations to ensure access to areas affected by humanitarian emergencies as well as the security of their staff is also based on trust. This trust is based on the acceptance of humanitarian organizations as neutral, impartial and independent and that data collected by them will be used exclusively for humanitarian purposes, and will not be used by others for incompatible purposes, including as a result of access by authorities and surveillance.<sup>4</sup> As part of the NIDP, the **GoA should commit to ensuring the responsible use of technologies and data for humanitarian purposes.** This means ensuring personal data is not requested or used for purposes incompatible with humanitarian work.<sup>5</sup>

The rapid evolution of digital information technologies has seen misinformation, disinformation, and hate-speech (MDH) exacerbate and accelerate conflict dynamics, violence, and harm both online and offline. MDH has a negative impact on trust, acceptance of humanitarian principles, and humanitarian access. Through the NIDP, the GoA should **reaffirm and emphasise that humanitarian organizations, their staff, and humanitarian data must never be targeted in the physical or digital world, and that communication is compliant with IHL and other applicable rules of international law.**

### 8. Protecting and assisting people deprived of their liberty

Secure humane treatment and conditions of detention for all detainees, regardless of the reasons for arrest and detention, is a core component of a functioning society. Unlawful imprisonment and detention conditions inconsistent with international standards can foster or result in societal exclusion, poverty, potentially serious public health concerns, and increased levels of violence in prisons, as well as in the wider

community. ICRC globally is witnessing an imbalance between security and the rights of detainees leading to denial of human dignity, and basic humanitarian law guarantees. Improving the situation of detainees, through emergency humanitarian responses and longer-term activities that support the development of detention systems, enhances development outcomes.

**ICRC urges the GoA to invest in detention programs that:**

- **Improve minimum living conditions addressing issues such as nutritional or health needs.**
- **Tackle overcrowding in places of detention to provide living conditions that respect human dignity and preserve the physical and psychological integrity of detainees and staff.**
- **Address the insufficiencies of criminal justice systems such as ensuring they are operated by adequately trained staff who have the basic resources needed to do their work.**
- **Ensure detainees are detained in accordance with IHL and other international laws and standards.**

The global pandemic has exposed gaps in the provision of quality health care to people deprived of their liberty highlighting the need to address prison health as public health. Contagious detainees pose a danger to public health, both in and outside of detention facilities. Without effective management of medical needs and environmental conditions within detention facilities, the health of detainees can quickly deteriorate, increasing the risk of communicable diseases, including to the wider community. **The NIDP should consider the health of detained populations in any future health programming.**

Protecting and promoting the rights of vulnerable detainees (including but not limited to: women, children, people living with physical or mental disability, aging detainees, LGBTIQ, foreigners) is essential. These groups tend to be discriminated against, subject to ill-treatment and their specific needs not met. **Australia's NIDP programs should include activities that address the needs of vulnerable populations in detention.**

ICRC is also concerned about the problematic use of restrictive regimes (such as solitary confinement). Globally restrictive detention regimes are being widely applied, for protracted periods of time, to a diverse range of detainees who have not always been risk-assessed or who do not necessarily pose a significant risk. **Australia's NIDP should consider activities that protect the rights of detainees and ensure international standards and laws are abided.**

## Conclusion

ICRC thanks the GoA for the consultative process in the formulation of its NIDP. Australia has been a longstanding partner of the ICRC in its mission to prevent and mitigate the negative humanitarian consequences of armed conflict. New means and methods of warfare and the rapid development of technology have created new risks for people affected by armed conflict, as well as new challenges for principled humanitarian action and development work. We trust that this new policy will seek to address humanitarian concerns and strengthen principled humanitarian work globally. The ICRC is available to provide additional support and information as may be required.

## References

1. "According to the ND-Gain Index (from the University of Notre Dame), of the 25 states deemed most vulnerable to climate change, 14 are mired in conflict."
2. More information about the Climate and Environment Charter for Humanitarian Organizations <https://www.icrc.org/en/document/red-cross-red-crescent-humanitarian-sector-joins-forces-tackle-existential-threat-climate> and <https://www.climate-charter.org/signatures/#supporters>
3. More information in ICRC's Data Protection Handbook - <https://www.icrc.org/en/data-protection-humanitarian-action-handbook>
4. Ref: Int Conf Resolution RFL and data protection Resolution of the IC: [33IC-R4-RFL- CLEAN ADOPTED en.pdf](https://www.icrc.org/en/document/33ic-r4-rfl-clean-adopted-en-pdf) ([rcrcconference.org](https://www.icrc.org/en/document/33ic-r4-rfl-clean-adopted-en-pdf)) Recitals + para 10-11
5. Movement Council of Delegates Resolution on safeguarding humanitarian data: [https://rcrcconference.org/app/uploads/2022/06/CD22-R12-Safeguarding-Humanitarian-Data\\_23-June-2022\\_FINAL\\_EN.pdf](https://rcrcconference.org/app/uploads/2022/06/CD22-R12-Safeguarding-Humanitarian-Data_23-June-2022_FINAL_EN.pdf)