

**The Foundation Prix Henry Dunant in partnership with the Geneva Academy of International Humanitarian and Human Rights Law (the Academy), awarded the Henry Dunant Research Prize 2014 to Ms. Öykü Irmakkesen,**

Dear Robert, dear Friends and Colleagues,

Thank you for giving me this opportunity to meet the students of the Academy and say a few words on behalf of the ICRC and of the Review about the paper by Oyku Irmakkesen.

I will start by saying a few words about the relations between the ICRC and the Academy.

When I joined the ICRC, still very few of us had come across IHL during their studies. However, it was the time when the organisation was really getting systematic in its relations with universities, encouraging the teaching of IHL and supporting various initiatives in the field of academic research.

The ICRC supported the creation of the CUDIH, which was at the time I believe the first IHL specialised center in the world. Since then the CUDIH now the Academy has managed to produce a whole generation of lawyers specialised in the law of armed conflict, ICRC delegates and humanitarian practitioners operating all over the world.

I believe the students integrate so well in organisations because of the quality of the teaching but also because of their ability to *apply* it. The Academy truly represents the best of the spirit of Geneva, the proximity between academics and humanitarian organisations, the exchange between field realities and reflexion and research. We may be far away from political and armed struggles, but yet we are concerned by the humanitarian challenges of the day and we want to refuse to remain only spectators.

Today the ICRC needs the expertise of the Academy not only for the new generation of humanitarian lawyers it is training but also as a partner in its efforts in fostering debates on humanitarian law, policy and action. As an operational organisation, working in close proximity to people affected by conflicts, the ICRC also needs strong academic institutions which can explore uncharted territories from an independent academic perspective.

One of the successful partnerships which we have put in place in recent years is to welcome regularly students from the Academy for one year internships or for short internships during the second semester of the master.

It is possibly not a coincidence that Oyku did an internship at the International Review of the Red Cross during her last semester. I hope that editing articles written by others helped her in drafting her own paper. It is also a testimony of her interest in putting her academic knowledge into practice.

She has indeed chosen an extremely relevant subject.

Her paper is entitled “The Notion of Armed Attack under the UN Charter and the Notion of International Armed Conflict – Interrelated or Distinct?”. It gives an overview of the doctrinal discussions regarding the definitions of both terms and draws the relationship between the two.

In a first part, it defines armed attack by comparing the notion with two very related concepts; aggression and use of force. In the second part, she defines the notion of international armed conflict and in particular the beginning of application of IHL. The third part finally compares the two main notions, armed attack and the gering act of an international armed conflict.

In an incredibly limited space, she has managed brilliantly not only to summarize the object and purpose of both jus ad bellum and jus in bello, but to also outline the main fault-lines and debates today as regards the beginning of application of IHL of IAC and the notion of “armed attack”. The structure is truly excellent and allows the reader to follow the reasoning.

Why is this discussion important today?

First it's important because, most of the questions Oyku addresses in her paper are not theoretical at all; they are questions that ICRC's own legal advisers have to struggle with when wrapping their minds around different sets of confrontations in the field.

It is important because it exposes the fundamental and essential distinction between the jus ad bellum and jus in bello. It strikes me, that there is always confusion when the two notions are discussed, even in the most sophisticated and advanced countries. This confusion of legal regimes leads to a lack of protection. This confusion is dangerous when defending a so-called just cause would justify atrocities.

Her paper addresses the difficulty of the State-centric system of international law as a whole and IHL in particular experiences in capturing the behaviour of non-state armed actors; This debate is essential as the vast majority of conflicts today involve non-state armed groups and that we see a clear trend towards more international interventions in non-international armed conflicts.

This work opens avenues for further research. We can only encourage Oyku to do that: possibly submit an article for the Review.

Oyku, and this was obvious to us during her traineeship, is not only interested in abstract legal reasoning. Her lucid analysis is relevant for almost any conflict-related newslines you will come across today: Iraq and Syria, the continuation of the US fight against Al Qaida and its associated forces, the situation in Ukraine, to the discussion of cyber warfare where kinetic force is not employed.

In that regard the topic thesis is especially close to the spirit in which Henry Dunant approached the suffering at Solferino – from the humanitarian reality to figuring out the legal answer, and to mobilizing public attention.

Finally I would like to say that it has been a pleasure to work with you Oyku: you have been open, communicative, a great team worker and, most importantly, you have shown a genuine interest for humanitarian action: I believe that being a humanitarian lawyer or a humanitarian professional in general cannot be reduced to a series of technical skills. The task is first and foremost to recognize the humanity in each one of us, as remote and different as we may be, and most importantly to refuse to remain a spectator when this humanity is denied or violated.

Congratulations for this award.  
Vincent Bernard