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INTERNATIONAL
REVIEW
OF THE RED CROSS



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and Red Crescent Movement



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INTERNATIONAL REVIEW
OF THE RED CROSS

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<p>In view of the large amount of copy, the features “Miscellaneous” (including the table showing the status of ratifications of and accessions and successions to the Geneva Conventions and the Additional Protocols as at 31 December 1995) and “Books and Reviews” have been carried forward to the March-April 1996 issue. In that same issue, the <i>Review</i> will publish more of the particularly important documents relating to the 26th International Conference, together with a report on the Xth session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies (Geneva, 27-29 November 1995).</p>

26th International Conference of the Red Cross and Red Crescent

EDITORIAL

SOME REFLECTIONS ON THE 26th INTERNATIONAL CONFERENCE

There can be no doubt that the 26th International Conference of the Red Cross and Red Crescent was a success. This event, awaited with mixed feelings of hope and apprehension by our entire Movement, first of all removed a doubt which had lingered among many of us: it proved it is still possible to hold this gathering which is unique in the world, and to keep up this tradition which is more than a century old.

This undeniable success is based on several factors:

- an attendance which confirmed the universal character of the Conference, with over 1,200 delegates representing 143 governments, 166 National Societies, the ICRC and the International Federation, as well as 68 observers;
- the adoption by consensus of all the resolutions, including the recommendations of the Group of Intergovernmental Experts set up after the International Conference for the Protection of War Victims;
- the quality of the resolutions, which provide a firm basis for strengthening international humanitarian law and developing the activities of the Movement throughout the world;
- the active participation of the National Societies in the debates and in negotiating the resolutions, which was entirely on a par with that of governments.

This Conference has thus unquestionably strengthened the Movement's position in the world and its leadership in matters concerning international humanitarian law.

The challenge of ensuring that the spirit of the Movement and respect for its fundamental principles prevailed throughout the Conference was successfully met. While there were admittedly some "slip-ups" in this

respect, they were very rare. Statements made in the Commissions were extremely positive; negotiations in the Drafting Committee, though sometimes difficult, were always marked by a wish to succeed; and it was clear that the message conveyed throughout the preparatory phase, namely that the Conference was not an area of confrontation, had been generally understood. The tone set by the very beautiful and sober opening ceremony also helped to imbue the Conference with a humanitarian spirit, as did the substantive statements delivered by the Presidents of the ICRC and the Federation at the first plenary meeting.

Moreover, the Conference certainly helped to enhance the cohesion of the Movement, owing to the very smooth cooperation that prevailed between the ICRC and the Federation throughout the Conference and during the preparatory stage, and also thanks to the active involvement of many National Societies.

It goes without saying that this success did not come about by itself, and a well-deserved tribute should be paid to its main architects:

- first of all, the Chairwoman of the Conference, whose calm and friendly authority won everyone over and enabled her to smooth out difficulties;
- the excellent Vice-Chairmen, who effectively supported her in her onerous task;
- the Chairmen and Rapporteurs of the Commissions, who carried out their difficult duties with great competence and tact;
- the Chairman of the Drafting Committee, very effectively backed up by his deputy, who had to draw on all his knowledge and experience to accomplish the feat of obtaining a consensus on all the resolutions, by means of a judicious blend of consideration and firmness;
- the Secretary General of the Conference, who, with equal persuasion and affability, spared no effort to avoid snags in the proceedings;
- all the administrative staff in charge of security, translation and interpretation, who worked by day and night to make their essential contributions to the success of the Conference;
- finally, the ICRC and Federation staff who were constantly on the alert in order to oil the wheels whenever necessary.

Yet the success of the Conference was not achieved only during the event itself. It was also due to the efforts made during the preparatory stage, under the auspices of the Standing Committee. In this connection,

a number of positive experiments were made, which must be taken into account in the preparations for the next Conference:

- the very active involvement of a group of ambassadors, set up over a year beforehand, in the search for solutions to political problems. This group took its task very seriously and deserves the warmest thanks for its work. It provided essential support in settling difficulties related to the participation of certain States and entities;
- the preparation of reports which, while substantive and well written, were also relatively brief and few in number;
- the organization of in-depth consultations of governments and National Societies on the agenda and then on the draft resolutions of the Conference. Despite all the talents of the Chairman of the Drafting Committee, the brevity of the Conference would never have allowed it to adopt its resolutions by consensus without those prior consultations;
- the very early appointment of a highly qualified Conference commissioner responsible for coordinating relations between the host country and the organizers and contributing actively to the practical and political preparations for the Conference;
- the establishment of a homogeneous group of competent individuals representing all parts of the world to occupy posts in connection with the Conference.

To sum up, the Conference was a success which was achieved within the set time limit and which gives every reason for satisfaction.

Nevertheless, for several reasons we should not become euphoric.

First of all, there are still some organizational aspects that could have been improved. In particular, there is the procedure for the election of the Standing Committee, which must be made simpler and quicker.

It should also be noted that the success of an event of this kind after all partly depends on chance and thus remains problematic. It will be noted in this connection that the participation of the Federal Republic of Yugoslavia (FRY), which had been invited as a State party to the Geneva Conventions, was contested by a number of States and that the FRY preferred to renounce participation in the Conference rather than to provoke incidents which might seriously disrupt the proceedings.

It may furthermore be questionable whether it will really be possible in the future to assign so little time to a forum attended by so many people. Indeed, the time pressure was almost unbearable, and we must reconsider this problem while remaining aware that many National Societies would not want to prolong unduly a stay which already has to allow for meetings of the Movement preceding the Conference.

But apart from these questions, two others, of a more fundamental nature, come to mind.

First, did this event really serve to mobilize public opinion in various parts of the world?

Let us not forget that one of the main purposes of the Conference was to highlight the victims and to mobilize public opinion on their behalf. Has this been accomplished throughout the world? It would be interesting to take stock and particularly to obtain an analysis from the National Societies which endeavoured "to give the floor to the victims".

The second question is even more vital and does not lend itself to any quick or easy answer. It is of concern to all those who worked for the success of the Conference: can the resolutions which it adopted and the humanitarian impetus to which it gave rise really improve conditions for war victims and all the vulnerable people whose needs our Movement seeks to address? Many of the resolutions certainly point the way, particularly with regard to measures that can be taken at the national level, but we cannot speak of success unless pledges are translated into deeds.

While we were talking in Geneva, men, women and children were being subjected to appalling treatment; others were facing grim reality while risking their lives in inextricable and desperate situations. All this cannot be ignored.

We certainly can and must rejoice wholeheartedly at the success of the Conference, but in doing so we must remember that it is not an end in itself, but a source of momentum that should enable us to make further progress and move closer still to the victims. It is our duty to use that momentum without delay: for humanitarian workers there is no respite!

Yves Sandoz

Director

*Principles, Law and Relations
with the Movement*

26th International Conference of the Red Cross and Red Crescent

Geneva, 3-7 December 1995

The 26th International Conference of the Red Cross and Red Crescent was held in Geneva from 3 to 7 December 1995. It was organized jointly, for the first time, by the ICRC and the International Federation of Red Cross and Red Crescent Societies and brought together approximately 1,200 delegates representing 143 States party to the Geneva Conventions, 166 National Red Cross and Red Crescent Societies, the ICRC, and the Federation, as well as 68 governmental and non-governmental organizations and emergent National Societies attending as observers.

The Conference was preceded by several meetings of the Movement itself, including those of the Executive Council and the General Assembly (Xth Session) of the International Federation of Red Cross and Red Crescent Societies, and of the Council of Delegates (1 and 2 December 1995).

OPENING CEREMONY

(3 December 1995)

Following an impressive multivision slide show on humanitarian action entitled "The Way Things Are", *Botho Prince of Sayn-Wittgenstein-Hohenstein*, as Chairman of the Standing Commission of the Red Cross and Red Crescent, welcomed the participants. He then appealed to governments to facilitate the work of the Movement and to continue supporting its efforts to strengthen humanitarian aid and social assistance. He ended by urging the participants to unite in honouring the Movement's commitment to counteract violence and oppression and to safeguard respect for human life, health and dignity.

Mr. Cornelio Sommaruga, President of the ICRC, recalled the contribution the International Conference had made to the Movement for more than a century: "It was the cradle of humanitarian law; it gave the International Red Cross and Red Crescent Movement its strength and its *raison d'être*; it also enabled the Movement to affirm its cohesion in the very midst of diversity by uniting so many different National Societies around the common principles of humanity, impartiality and independence. Through the resolutions it has adopted, the Conference has gradually fostered the emergence of a universal humanitarian conscience whose demands no one, especially today, can deny. Lastly, by bringing together the States party to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement, our Conference is also the incarnation of a modern concept of the international community, in which civil society can make its voice heard(...) In these troubled and violent times, it is our responsibility, and it is indeed a solemn one, to ensure that this dialogue is productive, for the sake of all the victims. In this forum, therefore, we must rise as one above our quarrels, political disputes and selfish interests, summon up the resolve and find the means to ensure that the notions of compassion, tolerance and respect for the individual, which are at the very heart of international humanitarian law, are upheld even in times of conflict." The ICRC President concluded his speech by expressing the wish that the Conference would "prepare the ground for a new **contract of humanity**, one for which each of us feels personally and fully responsible".

The President of the International Federation of Red Cross and Red Crescent Societies, *Mr. Mario Villarroel Lander*, paid tribute to the work of millions of volunteers who were the strength of the Movement and represented a "potential for peace and solidarity". He regarded the International Conference of the Red Cross and Red Crescent as one of the world's major events on the humanitarian front, and said that it forged links between States and the components of the Movement, namely the National Societies, 169 of which had been recognized to date, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. "The Conference's composition makes it an admirable forum for **apolitical dialogue** where humanitarian matters of common interest are discussed."

The President of the Federation urged the participants in the 26th International Conference "to do everything within their power to see to it that the Fundamental Principles of the Movement are reinforced and that respect for human dignity and humanitarian values is enhanced, in order to strengthen our capacity to assist vulnerable groups throughout the world".

Mr. Kaspar Villiger, President of the Swiss Confederation, welcomed the participants on behalf of the Swiss government. Speaking of the human crises besetting the international community and the repeated violations of humanitarian law, Mr. Villiger praised the outstanding work of the International Red Cross and Red Crescent Movement to alleviate the suffering of victims of war and regional crises. Sadly, it was not enough. "These problems call for a vigorous reaction on our part", he said. "We, as the representatives of governments whose policy is to support these organizations and which have pledged to improve the plight of suffering individuals, must mobilize all our resources. If we do not do so now, the danger is that we will have to face even more serious crises in the future. Switzerland, for its part, more than ever sees commitment to the humanitarian cause as one of the priorities of its foreign policy. That was the spirit in which it organized the International Conference for the Protection of War Victims in 1993, and it hopes that the Conference opening here today will ensure that a follow-up is given to that meeting(...) Politicians and the members of the armed forces must acquire the humanitarian reflex. This is crucial if we are to prevent humanitarian crises, instead of having to cope with them once they erupt. States are showing signs of fatigue in the face of the proliferation of such crises. What we need to do is to reverse the order of priorities and focus on preventive action, using all the means at our disposal. And when a crisis does erupt, it is essential to ensure that the independence and neutrality of humanitarian work are respected."

Finally, in his capacity as President of the State Council of the Republic and Canton of Geneva, *Mr. Olivier Vodoz* welcomed the delegates, thanking them for their unwavering commitment and for the support and hope they brought to so many people. "Your presence in Geneva," he went on to say, "will serve to remind the whole world that your struggle on behalf of the victims is a permanent one, one which unfortunately has no end(...) The growing gap between humanitarian needs and available resources means that the world must mobilize even further to provide you with the means you need to fulfil your mission."

He ended by expressing the wish that the 26th International Conference would strengthen humanitarian convictions and confirm the crucial importance of advancing the cause of humanitarian law.

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Various other events took place during the opening ceremony. The Fundamental Principles of the Red Cross and Red Crescent were read out by a group of children from a Geneva school, and well-known actors spoke the words of delegates and victims testifying to their experiences. The undisputed climax of the proceedings was a performance by "Dissimilis", a group of young disabled musicians from Norway, of works by Grieg and Jobin.

FIRST PLENARY MEETING

(4 December 1995)

In his opening remarks, Botho Prince of Sayn-Wittgenstein-Hohenstein urged the representatives of the International Red Cross and Red Crescent Movement and States attending the International Conference, and the members of governmental and non-governmental organizations participating as observers, to give priority to discussing the interests of the victims of conflicts and natural disasters.

The following officials of the Conference, whose names had been proposed by the Chairman of the Council of Delegates at the recommendation of the Standing Commission, were then elected by acclamation:

Chairwoman:

Professor Astrid Heiberg, President of the Norwegian Red Cross

Vice-Chairmen:

Doctor Hugo Palazzi, President of the Bolivian Red Cross

H.E. Ambassador Mohammed Ennaceur, Permanent Representative of Tunisia in Geneva

H.E. Ambassador Tej Bunnag, Permanent Representative of Thailand in Geneva

Commission I (War Victims and Respect for Humanitarian Law)

Chairman:

H.E. Ambassador Hisashi Owada, Permanent Representative of Japan in New York

Vice-Chairmen:

Mr Miguel Carmona Jiménez, President of the Costa Rica Red Cross;

H.E. Ambassador Tichaona Joseph B. Jokonya, Permanent Representative of Zimbabwe in Geneva.

Rapporteur:

Professor José Manuel Carilho Ribeiro, President of the Portuguese Red Cross

Commission II (Humanitarian Values and Response to Crises)

Chairman:

Mr Ousmane Diagne, President of the Senegalese Red Cross Society

Vice-Chairmen:

Mr Kenneth Montplaisir, President of the Red Cross Society of Saint Lucia

H.E. Ambassador Ludwik Dembinski, Permanent Representative of Poland in Geneva

Rapporteur:

Mr Jaime J. Yambao, Minister Counsellor, Permanent Mission of the Philippines in Geneva

Drafting Committee:

Chairman:

H.E. Ambassador Philippe Kirsch, Legal Advisor to the Ministry of Foreign Affairs and External Trade of Canada

Vice-Chairman:

Hon. Jim Carlton, Secretary General of the Australian Red Cross Society

Secretary General of the International Conference:

H.E. Ambassador Jean-Daniel Biéler, Commissioner of the 26th International Conference of the Red Cross and Red Crescent

Assistant Secretaries General:

Mrs Yolande Camporini, Head, Governance Support Unit, International Federation of Red Cross and Red Crescent Societies

Mr Olivier Dürr, Head, Division for Principles and Relations with the Movement, ICRC.

Mrs Astrid Heiberg, Chairwoman, reminded participants that the success of the meeting depended on each of them and that they were jointly responsible for its results. She also made two points on participation:

- the participation of the Yugoslav Red Cross had no bearing on the question of State succession in the former Yugoslavia;
- the term “Palestine” would be used in the present Conference for PLO and was not intended to designate a territory.

The agenda of the Conference was adopted without discussion.

Mr Mario Villaroel Lander, President of the International Federation of Red Cross and Red Crescent Societies, and Mr Cornelio Sommaruga, President of the International Committee of the Red Cross, took the floor in turn to speak of the humanitarian challenges facing the world on the eve of the 21st century.

The complete text of the two statements is given below.

**HUMANITARIAN CHALLENGES
ON THE THRESHOLD OF THE TWENTY-FIRST CENTURY**

STATEMENT BY
MR MARIO VILLARROEL LANDER

*President of the International Federation
of Red Cross and Red Crescent Societies*

I shall speak today of a bright prospect for our world which can become a reality if we all believe in it and work together for it.

I express this hope in the same spirit that prevailed at the first International Conference — convened 132 years ago — which overcame the misgivings of the sceptics and led to the creation of the initial Geneva Convention. That treaty conferred protection on wounded and sick soldiers in time of war and on those who cared for them. Since then, the same protection has been given in international law to wounded and sick members of the armed forces at sea, prisoners of war, civilians in wartime and -- to some extent owing to the change in the nature of conflict over recent decades -- vulnerable victims of civil strife.

Prior to the adoption of the Geneva Conventions, few would have believed this possible. But now in this era, many do not know of their existence, some ignore their provisions and others apply them inadequately.

Meanwhile, the spirit of selfless dedication that saw the light of day in 1863 has grown into a network of 169 National Red Cross and Red Crescent Societies, with some 20 more in the process of formation, two international bodies that, each in its own sphere, aid millions of vulnerable people every year, and 186 States signatory to the Geneva Conventions of 1949, a good number of which have signed the Protocols additional to those Conventions.

Therefore, thanks to the humanitarian impetus of the States gathered here and the international network of the Red Cross and Red Crescent, there is an enormous force in the world today directed towards caring for the most vulnerable.

It is because this force exists and works that I can speak here of hopes and be sure that they will be fulfilled.

I envisage a world in which the numbers of people killed or injured in natural or man-made disasters can diminish rather than continue to increase at a rate of some 10 million a year, threatening to exceed half a billion by the beginning of the twenty-first century.

How, you will ask, can such a hope become a reality? Can earthquakes and typhoons, erupting volcanoes and flooding rivers be stopped? No. But frightening headlines aside, the fact is that there is little change in the number of natural disasters from one year to another. The disaster toll rises because more and more people build their homes in places that may be the only areas available — on earthquake faults, on lowlands subject to storm and river flooding, on slopes subject to lava flows, mudslides and avalanches. So many people do not have the resources to cope with or recover from a disaster.

The Red Cross and Red Crescent bodies can encourage and States can promote safe-area building practices and disaster-resistant construction. People can be helped to develop disaster-preparedness measures. Emergency relief operations can be conducted in such a way that rehabilitation programmes and sustainable development are built-in from the very first assessment of the victims' needs. States, in their generosity to the emergency relief agencies, can insist on relief actions being designed and carried out in such a way as to strengthen people's self-reliance rather than their dependence.

In this optimistic perspective, there would no longer be such a troublesome distinction between emergency response and development funding — with emergency response funding on an upward trend and development funding on a downward course. Indeed, all funds raised for the world's most vulnerable must meet the twin purpose of healing wounds and strengthening people in their ability to care for themselves and for others. How to accomplish this in all situations is going to take some careful thinking, but the practical examples we have are already showing good results.

Another of my hopes for the coming years lies in encouraging people to embrace the volunteer spirit and translate it into action. Every nation would thus have a core of volunteers ready to help whenever an emergency arises and to find ways to improve the situation of vulnerable individuals.

In some countries there is already a long-standing tradition of volunteer work. In others this tradition is more recent. In any event, a moment of reflection will make it clear to any State or person that when trained volunteers are ready to help in an emergency, the cost of assistance is less and aid is more efficient. This sets an excellent example of what everyone can do for others and also builds

up the community's capacity to respond, binding its members in the common goal of mutual assistance.

Red Cross and Red Crescent Societies, working on the basis of the Movement's Fundamental Principles, can certainly give genuine and practical meaning to their mission, especially in their capacity as "auxiliaries to the public authorities". Every National Society can play a vital role, however scarce its material resources. Every State that cares about its people should look to its National Red Cross or Red Crescent Society as a useful partner in building up capacity for self-reliance in all sectors of the population, so that they can take autonomous action whenever accident, disease or disaster strikes.

People in general need to think of volunteer work as a career parallel to their regular jobs and as a long-term commitment. This too is possible.

Another role that I foresee for the International Federation and for the National Red Cross and Red Crescent Societies is to take the lead in reflecting on and advocating humanitarian issues. Red Cross and Red Crescent leaders have sometimes been wary of such a role, fearing it to be too political.

Yet, who else but ourselves is in a better position to observe and assess the adverse effects of ethnic strife, discrimination against minorities, natural disasters and UN sanctions that inadvertently affect innocent people?

Was Henry Dunant too political in advocating the lessons to be drawn from his experience at Solferino before all the courts of Europe? Was Henry Davison too political in seeking the support of governments for the action of the League of Red Cross Societies in devastated Europe after the First World War? We need to follow their examples with courage and do our best to develop humanitarian action in a sensitive and discriminating way and exercise our influence to make sure that it is implemented. By this I mean that the Red Cross and Red Crescent should be the spokesman of the world's most vulnerable, a voice that is heeded by all peoples and States.

Now let me put forward some ideas on how we can work together to improve our cooperation in the future.

First of all, the Conference itself meets far too rarely. Nine years have elapsed since the last Conference. That is too long. Because there is no dialogue between the Red Cross and Red Crescent and the States, in our opinion the latter have begun looking elsewhere for a venue to discuss protection of the vulnerable, and peace-keeping and peace-making issues.

Could we not imagine that in the period between two Conferences there would be a working group made up of representatives of States and of the components of the Red Cross and Red Crescent, mandated to develop proposals

to be submitted for adoption at the next Conference? I believe that it would be possible to organize and finance a process of this nature if we are all determined to achieve that goal.

The world is undergoing great upheaval, and we in the International Federation of Red Cross and Red Crescent Societies are ready to hear views other than our own, hoping that in turn State representatives and our Red Cross and Red Crescent colleagues are ready to listen to ours.

The number of unresolved questions of humanitarian import is perhaps greater now than ever before. We need to be more aware that while we discuss the various matters on our agenda and debate our resolutions people are suffering all over the world; we must strive ever harder to find solutions.

For example, we should give more regular and substantive thought to the humanitarian consequences of sanctions and peace-making operations.

It is not the role of the Red Cross and Red Crescent to decide whether peace-making operations or sanctions are justified, but it is our business to examine with the States the problem of the humanitarian consequences of such measures.

In this connection, perhaps we need an internationally accepted code of conduct which applies to all situations of this type. A code of conduct in disaster situations has been drawn up by the International Red Cross and Red Crescent Movement with the help of several organizations, and is being endorsed by a growing number of international emergency relief agencies. Would it not be possible to design something similar to deal with unforeseen consequences of sanctions and peace-making operations?

We need to go on working together, given that we each play a complementary role in addressing the needs of victims of both man-made and natural disasters. We must also explore other possible means of limiting the risk of conflict.

These are but a few examples of unresolved humanitarian issues facing all of us, whether we belong to the Red Cross and Red Crescent Movement or to the humanitarian agencies operating in various States.

There are other issues as well. Let us ask ourselves, for example, if we need all of the international organizations that are now working in the humanitarian field, all of them to some degree or another duplicating each other's efforts? Or should we return to the essence of the Red Cross and Red Crescent, with National Societies acting as auxiliaries to the public authorities, as is required in the recognition process, and establish more reliable support structures and a greater level of Red Cross and Red Crescent accountability?

In the International Federation of Red Cross and Red Crescent Societies we have learned over our 76 years of existence that mankind's greatest achievements have been attained by caring, diligent people working together, each with a talent of his own, in an atmosphere of cooperation and respect. It is by standing united that we — States, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, National Red Cross and Red Crescent Societies — shall find the humanitarian answers that are needed.

I have no illusions that my proposals will be easy to implement.

I do not claim to know the answers to many questions facing us in our search for humanitarian solutions. But what I do know is that the Red Cross and Red Crescent must put these difficult questions to the States and must use common sense to solve them and propose solutions. Hence my suggestions.

Every day, we in the Red Cross and Red Crescent come to the aid of innocent people wounded in landmine explosions whose only wish is to resume their normal activities.

Among the millions of people we assist every year so many are refugees or displaced persons. Seventy percent of the cost of our field operations relate to helping these refugees and displaced persons. For many of them, shelter and food are not enough. Many are traumatized after being driven from their homes, assaulted, raped, and deprived of their human rights and dignity. In helping them we in essence have to restore to them the ability to contend with each day and to keep hope.

We need to help the world rediscover the values of civil society, and the worth of working together for the greater well-being of all. We strive for that goal in ways that might seem mundane: but the support they provide is important, however, in areas such as teaching first aid and looking after the sick, helping overcome epidemics, teaching how to care for the frail and elderly, AIDS sufferers and the disabled. A community where the discipline of caring is alive is a community less likely to go to war.

We therefore have an interest and a duty, in both emergencies and times of stability, to enhance the capacity of Red Cross and Red Crescent Societies in their own countries to be more effective servants of humanitarian needs, more effective auxiliaries to the public authorities, more effective catalysts in easing local tensions and differences that are a potential source of conflict and in reconciling the divided, so that they can play a leading role in the search for solutions to humanitarian problems and issues.

Clearly, we could not stand aside from such issues even if we wanted to. It is not that we in the International Red Cross and Red Crescent Movement are

looking for more to do. We already have more than enough problems to solve. But as the world evolves it confronts us with these needs and concerns, saying: Do something for these people, help them, heal their wounds, find a way of bringing greater meaning and dignity to their lives.

If you fear that the responsibility is too great, then I would ask you to look again at the seven Fundamental Principles of the International Red Cross and Red Crescent Movement. Read them and ask yourself what they mean in this troubled world where we are trying to give our compassion a tangible form on behalf of all mankind. We must redouble our efforts to give real meaning to those principles and the values underlying them in all countries, and to apply them in helping to rebuild countries torn by strife.

This is a task that no one can undertake alone. Only by pooling forces across the world, as is done in this Conference of States and the International Red Cross and Red Crescent Movement, is it possible to seek and find the compassion and care so badly needed in the world of today.

Hence my appeal to the States and organizations you represent: I ask the States to contribute to the quest for real solutions to the urgent humanitarian issues besetting the whole world and to help their National Red Cross and Red Crescent Societies build their local programming and organizational capacities. I ask the international and national Red Cross and Red Crescent bodies to work together to bring relief to vulnerable people the world over, so that those people can look to them as a source of help and protection.

And I urge both the States and all the components of the Red Cross and Red Crescent to join together in a new and powerful worldwide network to seek practical solutions to the problems and consequences of human conflict, and to overcome deprivation and vulnerability, so that our joint endeavour at this International Conference of the Red Cross and Red Crescent and in those to come will bear fruit in the form of an era of genuine peace and compassion.

Thank you.

KEYNOTE ADDRESS
BY MR CORNELIO SOMMARUGA

*President of the International
Committee of the Red Cross*

The world is weighed down by the victims of too many tragedies. Today, at this 26th International Conference of the Red Cross and Red Crescent, it is *in the name of those victims*, the sole reason for our presence here, that I am addressing the representatives of the States party to the Geneva Conventions and those of the International Red Cross and Red Crescent Movement. Our Movement is faced with the challenge of protecting and assisting these hapless individuals, whose numbers, alas, are growing day by day. Moreover, the situations in which we have to take action are ever more complex, whether they result from *natural or technological disasters*, which often occur in developing countries where there is no proper infrastructure, or from *armed conflicts* and other forms of violence affecting entire populations whose authorities are generally powerless to protect them. It is our *solidarity with the victims* of these situations that gives us our strength — and this solidarity is expressed through the separate but complementary activities conducted by the National Societies, their International Federation and the ICRC. *The complementary nature* of our respective tasks, which is the result of experience and is enshrined in our Statutes, is precisely what makes us effective.

Within the International Movement of which it is the founding body, *the ICRC*, created 132 years ago to provide assistance to wounded and sick soldiers, *bears historical and legal responsibility for taking humanitarian action in behalf of military and civilian victims of armed conflict.* In order to carry out its task as effectively as possible, it works in increasingly close cooperation with the *National Societies*, those vital components of our Movement whose activities and development must be given unstinting support.

In these troubled times, our entire Movement *is more than ever in need of the backing and commitment of governments.* If the Red Cross and Red Crescent are a beacon of hope, then this assembly bears a great responsibility indeed: let us not forget the unique importance of the International Conference, which is the main multilateral forum for debating humanitarian issues and a unique meeting place for the Movement and the world's governments. For over a century, new ideas for the development of humanitarian law have emerged from the Conference, which has proposed means that seemed most appropriate for preventing or easing the suffering of millions of our fellows. Rising above conflicts and

differences of opinion, we must resolutely stand together and act as one lest we disappoint the hopes that have been placed in us.

It is the tradition at International Conferences for the President of the ICRC to give a report covering the period since the previous Conference. In the present case, however, the last Conference took place as long ago as 1986, since the one that was to have been held in Budapest in 1991 was cancelled at the last minute. It would take too long to present a systematic review of the various ways in which humanitarian law was either respected or, only too frequently, violated during those nine eventful years. Instead I should like to share a few thoughts which, I hope, will enable us to move forward together.

Some anniversaries are bound to evoke powerful memories. Much attention has already been paid to the events that are being commemorated this year, but how could I fail to mention the fact that the 26th International Conference of the Red Cross and Red Crescent is meeting 50 years after the world awoke from a nightmare? A deadly conflict which spread over a great part of the world, claiming millions of victims and leaving terrible scars, both physical and mental, on entire populations. At the heart of the nightmare was a plan to exterminate a whole people, together with other minorities, in a systematic and “industrial” way, simply because they existed. *A failure for democracy*, this has been called by some. A setback, indeed, for civilization itself. And also a setback for the Red Cross, which no doubt was thought to have more powers than it actually did, but which, despite the heroic exploits of some of its delegates, did not entirely escape the prevailing tendency to compromise.

Fifty years ago the first *atomic bombs* exploded over Hiroshima and Nagasaki, causing instant devastation on an apocalyptic scale. For the first time in its history, mankind had acquired the ability to destroy itself and wipe out the heritage of all the civilizations to which it had given birth over thousands of years.

“Never again!” These were the words on everyone’s lips in the immediate aftermath of the war. A number of ideas were to emerge from the trauma of the holocaust and the horrendous destruction caused by the conflict, and some of those ideas took root. Henceforth, it was decided, States would cooperate within the brand-new *United Nations Organization* so as to prevent any recurrence of the cataclysm. In the general euphoria, war itself was outlawed.

Pursuing aims that were both more modest and more realistic, the International Committee of the Red Cross set about having the four *Geneva Conventions of 1949* adopted by the international community. These Conventions took up and expanded texts dating back to the nineteenth century and reflecting universal humanitarian traditions. Since it seemed unlikely that war would be done away with once and for all, the Conventions sought to ensure that certain basic

principles of humanity would be respected even in the heat of battle. To keep pace with the changing times, the legal provisions they contained were reaffirmed and supplemented in 1977 by two *Additional Protocols*.

Looking back — since that is what anniversaries are for — how should we assess the results of all these efforts? I would not venture to say whether the world is on the whole a better or a worse place than it was half a century ago. Scientific progress has substantially improved the health and living conditions of many people across the globe. The decolonization process has been completed. And the Cold War, which split the world in two so soon after the end of the Second World War, is now a thing of the past.

However, there is little cause for self-congratulation: *from 1945 to the present, 22 million people have died in more than 120 conflicts*. Moreover, mankind is faced with new challenges: *the deterioration of the natural environment* has assumed alarming proportions in many countries; *rural depopulation* and *urban poverty* are still on the increase; a number of major *epidemic diseases* have recently reappeared; and, in the poorest countries, millions of people have no guarantee that their most basic rights, including the right to a decent life, will be respected. *These people have no access to education or health care*, and cannot look forward to seeing their lives or even those of their children improve. As we enter the age of virtual reality, paper economy and information highways, it is worth remembering that the chasm between the developed world and an ever-growing proportion of the planet's population is widening daily. Unless we take care, this glaring disparity will be the cause of tomorrow's conflicts.

The years that have elapsed since the last Conference have seen sweeping changes and radical breaks with the past. The Cold War is over, and with it the balance of terror. Now we have entered a rather indefinable period in which the parameters have changed and we have no familiar landmarks. All options are open, any path can be taken, but no obvious course lies ahead. It is hardly surprising that at a time of political crisis humanitarian values should go by the board and well-established principles be called into question. However, let us not forget the immense surge of hope that arose when the division of the world into two antagonistic blocs, opposed in every respect, came to an end: indeed, there was reason to believe that the world would now move in the direction of greater unity, humanity and solidarity.

I welcome the *favourable developments* that have come about in Africa, particularly in Ethiopia, Namibia, Angola, Mozambique and South Africa — a country that has recently rejoined the international community after having peacefully brought to an end the unjust system of apartheid; in Latin America, and here I am thinking of El Salvador; and in Cambodia, as far as the continent of Asia is concerned. There are also grounds for optimism in regard to the

Arab-Israeli conflict, a situation in which former foes have established relations that we hope will be constructive, and to Northern Ireland, where violence has given way to dialogue. Progress has been made in other parts of the world as well.

Yet, alongside these encouraging events, a multitude of *tragic situations* remain unresolved, pointless suffering and wanton destruction continue unabated, and many *new crises* loom on the horizon. As I speak, *more than 30 conflicts* are raging around the globe: power struggles, territorial disputes, ethnic and religious strife. All these situations require the best efforts of the ICRC and of numerous National Societies.

Everyone knows about these conflicts and I do not intend to list them all here. However, 16 years after the *dreadful events in Cambodia*, where a whole people was decimated far from the media spotlight, how can I fail to mention what took place in *Rwanda*? Once again, horror knew no bounds, but this time, appalled, we were able to watch it happen on our television screens, those mirrors of so much barbarity and depravity. In Rwanda, the ICRC was alone. Its delegates were able to save a few thousand lives, but could do nothing to halt the carnage all around them. Nor can I keep silent about what I saw in Sarajevo, in the midst of those terrifying events that have cast a pall over a large part of what used to be *Yugoslavia* — the “*land of the southern Slavs*” — now a land of infamy, grief and sorrow where increasingly bitter resentment has taken root in people’s hearts. Finally, how can I not speak of the upheavals and human tragedies that ensued from *the collapse of the Union of Soviet Socialist Republics*? Or of those in *Afghanistan*, a martyred nation where fighting among warlords is still causing suffering, or of those in *Sri Lanka, Somalia, Sudan and Sierra Leone*... It would take too long to mention all the countries in which the events taking place at this very moment are deplorable evidence of man’s inhumanity to man.

While it is true that war is made up of countless individual incidents that are impossible to foresee, in the current political turmoil the demagogic voice of racism and xenophobia is fanning strife and passion all over the world, with the results we know only too well. First among them is the revolting policy of “*ethnic cleansing*” — a hideous term that is the very embodiment of hatred and rejection.

Let it be said: what we have seen in recent years is nothing short of *barbarity*, and a return to methods that everyone had thought belonged to the dim and distant past. The pace of events is constantly accelerating, one brutal act leads to another, and violence has reached a level far beyond anything we have seen in a long time.

Moreover, in many of the new conflicts that have broken out since the end of the Cold War there has been an upsurge in predatory and lawless behaviour,

and *war and banditry have become inextricably linked*. Until recently, in situations where a government was pitted against a rebel movement, both sides usually had structured and organized armed forces pursuing identifiable ideologies and goals and more or less coherent military objectives. Today we are faced with quite different situations, in which the “*belligerents*” are often very young and poorly organized. While the ideologies and objectives involved in many conflicts are generally difficult to define, at first glance it would seem that the chief aim is to *destroy the other side*, whether for racial, religious, nationalistic or economic reasons. Front lines no longer exist, and *the traditional and vital distinction between combatants and non-combatants*, which is the very cornerstone of humanitarian law, *is all too seldom recognized*.

Such conflicts are dominated by local interests; there is no clear chain of command and the most basic standards of humane behaviour are often flouted. What we see is a total *breakdown of State structures*, with a proliferation of warring parties all acting on their own account, not to speak of the multitude of armed groups answerable to no apparent authority and the hidden snipers who take innocent civilians as their targets. Civil war and ethnic strife sweep across vast areas where chaos and anarchy prevail. Moreover, there is far less scope for exerting outside influence to put an end to such conflicts and to find political settlements.

For the humanitarian organizations, operating in such contexts has become highly dangerous, and also very frustrating. The hazards involved are aggravated by the *proliferation of weapons* and the flourishing arms market, which is as accessible to armed bands and fringe groups as it is to the military. This massive and unsupervised flow of weapons, still fed by the vast stocks which were built up during the Cold War and are now often looted, can fan tensions until they erupt into fully-fledged armed conflicts.

If one considers that, by the nature of its mandate, *the volume of the ICRC's activities* constitutes a sort of barometer of the state of the world, it is interesting to note that between 1987 and 1993 the institution's total expenditure soared from less than 300 million Swiss francs to more than 800 million. During the same period the value of the relief supplies it distributed increased fivefold and the number of its staff almost doubled.

Faced with such widespread violence, humanitarian law has proved its sterling worth amidst all the fire and the passion. Throughout the conflicts in which we have deployed our full range of activities, the Geneva Conventions, in particular Article 3 common to all four of them and applicable to non-international armed conflict, and their Additional Protocols have rendered and continue to render invaluable services in providing legal protection for war victims. Nevertheless, we have also witnessed innumerable *violations* of the

Conventions and of basic humanitarian principles, leading to unspeakable suffering and grief which could have been avoided if the laws and customs of war had been respected. Another effect, and not the least, of all these violations and their extremely grave consequences is to make the restoration of peace much more difficult. Such occurrences do not stem from any shortcomings in the humanitarian rules; they reflect a lack of willingness to respect those rules and even in many cases a disturbing contempt for the elementary principles of humanity.

Murder, torture, degrading treatment and arbitrary detention, often in conditions of extreme deprivation, have been the lot of countless victims. *The taking of hostages*, in violation of a basic rule of humanitarian law, has assumed alarming proportions. *The family unit*, the cornerstone of any society, has been seriously endangered by the calamities that befall the civilian population; with increasing frequency families are split up and people have to live with the anguish of not knowing what has happened to their loved ones. *Women* are often among the first victims of such situations, and we are horrified by the practice of rape used as a method of warfare. *Children*, the most vulnerable of all, are often marked for life by what they have endured. Their lives fall apart when they see their parents killed and their homes destroyed before their very eyes. Children are also indoctrinated and encouraged to take part in the violence. These youngsters, taken away from their families at a tender age, know no law but that of the gun. Some boys are already war veterans at fifteen; *these child soldiers* represent a tragedy for humanity that, far from being eradicated, is spreading.

The mass population movements that we thought were a thing of the past are with us again: several sources put the number of refugees in the world at more than 23 million, and the number of displaced people at over 29 million.

The use of certain methods and means of warfare is another area where the consequences are increasingly dramatic. Every year more than 20,000 people, many of them children, are killed or maimed by *anti-personnel landmines*. The ICRC's medical teams are surrounded by the anguished cries of those who have had a limb mangled or a relative killed by these instruments of blind terror. I invite you to think about the fact that, according to the United Nations, there are currently more than one hundred million landmines already laid in 64 countries.

Other causes for concern are attacks on essential public services, in particular *water supply systems*, which are very often damaged either deliberately or as an incidental effect of the hostilities. In some conflicts denial of access to water is used as a fearsome and particularly cruel weapon, large cities being left without water for long periods. Moreover, for lack of supplies or because the infrastructure has been destroyed and qualified staff have fled, *health services* are paralysed and the population has no means of protection against infectious diseases.

Then again there are *terrorist attacks*, which strike blindly at defenceless innocents. Such acts must be condemned without reservation, for they are a negation of the most basic humanitarian principles. On the other hand, it is unacceptable for governments to denounce their opponents as *terrorists* out of hand, so as to deny them their right to humane treatment when they are captured or arrested.

The balance of terror, sustained by the prodigious arms stocks of which we are only too well aware, nevertheless gave rise to a number of measures under international law to limit the indiscriminate effects of some terrifying developments in *weapons technology*. Such was the case, for example, with regard to chemical and biological weapons. As for *nuclear weapons*, which are a denial of all life and thus of all humanitarian action, suffice it to say that the dire threat they represent has increased because they are falling into all sorts of unauthorized hands during the current period of geopolitical upheaval.

That being said, at a time when genocide can be perpetrated with nothing more than machetes, perhaps the debate on methods and means of combat should not be our primary concern. I am convinced that what we are now facing is *a human problem*. Why, we may well ask, has the progress achieved thanks to human intelligence not enabled us to put an end to barbarity? The answer is that violence is part of human nature, and progress on the moral level has not kept up with scientific and technological advances.

In these circumstances, we must breathe new life into humanitarian law. The infinitely tragic plight of war victims demands that the Conference find responses to the major issues I have raised today. On the eve of the third millennium, I expect a commitment on the part of governments to work with our Movement so that together we can rise to the challenge of Louis Pasteur: "*The future belongs to he who does most for suffering humanity*".

First and foremost we must close the gap between *moral progress* and scientific and technological advances. By promoting a new sense of *solidarity worldwide*, we must restore *tolerance and respect for others* to their proper place and create among ourselves an awareness of our *collective responsibility*. In view of the dangers looming over mankind, it is essential that we *rebuild the system of values that lies at the heart of the Red Cross and Red Crescent ideal: the rights of victims, the right to receive assistance, and respect for humanitarian endeavour*.

It must be borne in mind that modern humanitarian law has its origins in a century that saw the predominance of the Nation State, and thus reflects a community torn by international conflict. Today, however, most conflicts are taking place within State borders. *The basic problem therefore is to ensure respect*

for humanitarian law in internal armed conflicts. To this end, States must be convinced that they are not the only ones concerned by the law. Above and beyond inter-State relations and the mutual interest that prompts the parties to a conflict to comply with certain rules, *the law is intended to protect all victims.* No category of belligerent is exempted from meeting humanitarian obligations. Moreover, suffering is indivisible and it would be absurd, and indeed immoral, for a State to tolerate acts directed against its internal opponents, its own citizens, that would be prohibited in the event of an international conflict.

What is important is to rediscover the basic rules, such as Article 3 common to the four Geneva Conventions, which applies to internal conflicts and constitutes a sort of miniature Convention in its own right. These rules express principles that transcend cultural barriers and are common to all civilizations; no one would ever contest them. *"You must not do ill to others, and you must not take life unless it is absolutely necessary"*, declared Buddha. *"The perfect man is the one who is most helpful to others"*, says the Koran. *"Enemies taken prisoner in the course of a war must not be killed; on the contrary we must treat them like our own children"*, affirms the Mahabharata, echoing a Kenyan proverb: *"When you are the victor you must not crush the vanquished"*. And in the words of St James: *"Faith without works is dead"*. These ideas are simple, clear and just; they apply to everyone.

In recent years, at the United Nations General Assembly, in the Security Council and in the Commission on Human Rights, in regional organizations such as the Organization of African Unity, the Organization of American States, the Council of Europe and the Organization for Security and Co-operation in Europe, within the Non-Aligned Movement and the Inter-Parliamentary Union, increasingly frequent references have been made to international humanitarian law. The States you represent have clearly and repeatedly expressed their determination to see the texts they have ratified applied in practice. The ICRC for its part can only welcome the States' resolve to mobilize in favour of respect for the law and in defence of the victims.

To give this apparent community of interests and sentiments an opportunity to express itself in a practical and constructive manner, the Swiss Government, acting on the initiative of the ICRC, convened *the International Conference for the Protection of War Victims* which was held in Geneva in August/September 1993. The event was quite a success, and proved to be extremely useful as a forum for preparing the present International Conference. The 1993 Conference's Final Declaration concluded, in substance, that *jus est ars boni et aequi*: *"We confirm our conviction that, by preserving a spirit of humanity in the midst of armed conflicts, international humanitarian law keeps open the way to reconciliation, facilitates the restoration of peace between the belligerents, and fosters harmony*

between all peoples". The recommendations of *the Intergovernmental Group of Experts* set up at the Conference's request will be examined by Commission I and, I trust, accepted.

With *186 States now party to the 1949 Geneva Conventions*, the treaties can be considered as practically universal in scope. The same cannot yet be said, however, for *the 1977 Additional Protocols*. Indeed, to date only *141 States* are party to *Protocol I*, which relates to international armed conflicts, and *132 to Protocol II*, which relates to non-international armed conflicts. This state of affairs is difficult to accept more than 18 years after the signing of the two treaties. The ICRC has made every possible effort to have the Protocols universally recognized. In view of the barbarity we are witnessing today, I must say in all conscience, on behalf of the victims, that the time has come for every State that has not yet done so to ratify or accede to the Protocols additional to the Geneva Conventions. *After all, respect for international humanitarian law depends to a large extent on its universality.*

Becoming party to the treaties of international humanitarian law is a first step which is naturally important but is not enough. The States that you represent have pledged, under the terms of Article 1 common to the four Geneva Conventions, not only to respect but also *to ensure respect* for the provisions of those Conventions in all circumstances. This is an obligation of universal solidarity vis-à-vis *all war victims*. The victims' right to receive assistance and protection, whoever they are and wherever they may be, this inalienable right laid down by law, therefore concerns each and every one of us.

If rules are to be applied, they must be known. *The dissemination of humanitarian law*, "to include the study thereof in (...) programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all [the] armed forces and to the entire population", as stipulated in Article 127 of the Third Geneva Convention, is an essential precondition for compliance with its provisions. The States party to the treaties cannot evade this fundamental obligation. The Intergovernmental Group of Experts discussed means of stepping up dissemination activities, and called on the ICRC to cooperate with other bodies in that area. This form of cooperation, which the ICRC is ready to develop, and the crucial role that every National Society must play in this regard will be examined by Commission I.

To encourage and provide support for efforts made by States in the sphere of implementation and dissemination, the ICRC has already set up a unit to offer *Advisory Services in international humanitarian law*. This is in response to the request made by the Group of Experts in its Recommendation III. The States, and of course the National Societies and any other interested body, are invited to make wide use of these services and thus to contribute to their success.

Recommendation VII of the Group of Experts asks States, among other things, to “*act, jointly or individually, in situations of serious violations of international humanitarian law in cooperation with the United Nations and in conformity with the United Nations Charter*”. Indeed, what is the use of rules and principles, and what can be the practical impact of the law that embodies them, if they can be violated with impunity? Apart from the *collective responsibility* of the States party to the Conventions, there is the *individual responsibility* of those who have to apply the provisions of humanitarian law or see that they are applied. It must be made perfectly clear that criminals will be punished. I should like to point out that the Geneva Conventions enjoin the States party to *search for, prosecute and try* persons accused of having committed or having issued orders to commit any of the grave breaches listed in the Conventions, as an obligation of solidarity. In this connection, the *international tribunals* set up to prosecute the large-scale violations of international humanitarian law and human rights committed in the former Yugoslavia and in Rwanda offer the prospect of putting an end to the reign of impunity. The ICRC earnestly hopes that an *international criminal court* with worldwide jurisdiction will also be established. Allow me to emphasize, however, that *judicial measures are complementary to humanitarian action, and that the two should not be confused*. Indeed, humanitarian organizations cannot act as judges and certainly not as prosecutors.

Some States have not yet made the declaration accepting the competence of the *International Fact-Finding Commission* provided for in Protocol I to enquire into any allegations of grave breaches of the Geneva Conventions or of the Protocol. These States may nevertheless use the services of the Commission. It is at their disposal in particular to open an enquiry, with the consent of the parties concerned, in the event of serious violations of international law in the context of non-international armed conflicts. Why then is such a possibility not put to use?

Earlier I mentioned the tragedies caused by widespread use of *anti-personnel mines*, and I think what I had to say was quite clear: this carnage must stop! There is only one way of achieving this end, and that is to impose a total ban on the production, stockpiling, transfer and use of landmines. The few military advantages they offer are in no way commensurate with the terrible effects they have on civilians. We can only hope that when the Vienna Conference resumes next January the discussions will be open-minded and far-sighted enough to break the current deadlock regarding *Protocol II to the 1980 United Nations Weapons Convention*. On the other hand, we welcome the adoption of a *fourth Protocol* to that Convention banning *blinding laser weapons*. This is the first time since the 1868 Declaration of St Petersburg, which prohibited exploding bullets, that it has been possible to ban a weapon before it has been used. I trust that the States represented here will become party to the new Protocol without delay.

I also mentioned the devastating effects of a phenomenon which has grown steadily ever since the end of the Cold War: *the proliferation of weapons*, especially light weapons, which seem to be available in unlimited quantities all over the world. The danger is that all these weapons, which can often be had for a nominal sum, will become perfectly commonplace objects. This must not be allowed to happen! These death-dealing devices must be strictly controlled, with due regard to moral principles. The ICRC is deeply concerned by this matter and, in response to a recommendation of the Group of Experts and in close cooperation with the other components of the International Red Cross and Red Crescent Movement, *intends to examine the link between arms transfers and violations of international humanitarian law*.

After these considerations regarding legal provisions and problems of application of international humanitarian law, the time has come to review the humanitarian action carried out by the ICRC, the National Societies and their Federation in accordance with their respective mandates. Nowadays the term "*humanitarian action*" is given a wide range of meanings. Indeed, a large part of the response to conflict situations is currently labelled "*humanitarian*": military peace-keeping units engage in humanitarian operations; governments conduct their own humanitarian activities directly, through operational government structures and under their national flags. In some cases, such as that of Somalia, operations blazoned as humanitarian have gone astray. To me, this bandying about of the term "*humanitarian*" seems to reflect increasing uncertainty and confusion about roles and responsibilities within the international community. Some clarification is therefore needed.

Everything points to the fact that international control mechanisms have not yet adapted to the realities of today's conflicts, in which anarchy and chaos prevail to a vastly greater degree than was the case during the Cold War period. In this new context humanitarian agencies, and also politicians and generals, have no clear points of reference. Governments seem to find it difficult, if not impossible, to reach a realistic consensus on political or military options or operations. A humanitarian operation offers the opportunity to act and thus to fill the vacuum. This type of activism serves to ease the pressure brought to bear on governments by the media and public opinion, but in fact all it does is perpetuate the ambiguity relating to the respective mandates of the various players on the international scene.

I wish to reaffirm in the strongest terms that *humanitarian action must be conducted in parallel with political or military action. It must not and cannot be a substitute for the latter*. If it is used as an extension of foreign policy, often prompted by internal political motivations, it is divested of the *neutrality* which should be its essential attribute. Ultimately humanitarian action loses its identity and can even become the target of armed attacks.

*The integrated approach whereby political, military and humanitarian activities are launched in response to today's emergency situations could, by means of the synergy created among the different players, increase the international community's effectiveness without there being any need for additional resources. This is the right approach, I feel, for **conflict prevention**: preventive diplomacy, economic aid, development aid, humanitarian assistance and the deployment of military observers can contribute significantly to stabilizing situations which might otherwise degenerate. The same type of synergy can come into play in the **post-conflict phase**, when peace must be consolidated, reconstruction work begun and, in many cases, humanitarian activities conducted for the most needy.*

But I am convinced *that the integrated approach is not appropriate during the acute phase of a conflict*. At this stage humanitarian work focuses on the immediate effects of the crisis and cannot take political or military problems into account. To be effective, what we need is *a neutral and impartial humanitarian approach and room for independent humanitarian action*, without any political motivation, so that we can reach *all the victims* with the consent of all the parties. In such situations, only truly independent, neutral and impartial organizations like the ICRC can reach those in need of assistance and protection. Indeed, the States were fully aware of this when they drew up and signed the Geneva Conventions, which stipulate *the neutral and impartial nature of humanitarian action*.

For the sake of efficiency, should we not concentrate on *the special skills of the different entities* working in present-day conflict situations, each acting according to its own competence? In my opinion there is a pressing need to put an end to the confusion currently prevailing in this regard. The respective responsibilities of the humanitarian agencies and of politicians, generals and judges must be defined more clearly.

The growing magnitude of the task before us and the proliferation of agencies make it more necessary than ever to strengthen the process of consultation and cooperation among the various organizations involved in humanitarian work. Within the International Red Cross and Red Crescent Movement, it is the ICRC's role to coordinate humanitarian operations in situations of armed conflict. Both with the components of the Movement and with its other partners in the field, the ICRC engages in this permanent consultation process in a spirit of openness, complementarity and solidarity, with due respect for each entity's specific mandate.

When a conflict breaks out, the ICRC is often the only organization on the spot. There are two reasons for this: first, its presence in all the world's troubled areas through its network of delegations; and secondly, its rapid response to crises. When other agencies arrive, the ICRC initiates a process of cooperation in behalf of the victims, who are usually too numerous and whose needs are too

great for it to cope with alone. Through cooperation and complementarity, an effort must be made to improve *the planning of humanitarian action in terms of time and space*. The concentration of agencies in the same theatres of operations, spotlighted by the media, then their withdrawal without any gradual progression to reconstruction and development programmes, are examples of poor coordination and planning, and it is the victims who pay the price.

Agencies specializing in emergency operations and those more concerned with reconstruction and development programmes must come to an arrangement among themselves: the former must prepare the way for the latter to take over. This kind of ordered progression is essential if we are to help the victims to regain their dignity and their self-sufficiency as rapidly as possible. The ICRC feels that it is unacceptable to simply abandon them; *assistance programmes must be carried through to the end*. Indeed, this is one of the strengths of our Movement, since its component parts can relay each other and thus ensure the continuity of humanitarian action. More important than assistance itself is *the way in which it is provided*, to my way of thinking. Assistance must make a contribution to *protection*, to upholding the dignity and integrity of the individual. Moreover, far from focusing on certain categories of beneficiaries or on a certain activity, the ICRC's work, conducted more and more often in cooperation with National Societies, is multidimensional. It encompasses all victims: the sick and wounded, prisoners, displaced persons, women and children, the elderly, and members of dispersed families.

The ICRC's mandate is *to help all victims of all conflicts*. It cannot act in accordance with priorities set by its donors if they are not prompted by humanitarian considerations. The ICRC is an independent organization which takes action in all situations where human beings are suffering at the hands of their fellows. *The financing* of its operations is a secondary consideration. The institution does not intend to change that approach, which is not without risk. Any change — putting financial security before action - would hamper its services to victims, and this is unacceptable. To maintain this policy we must be able to count on financial support in the future, as we have done in the past. Here, on behalf of all conflict victims, I should like to express my warmest thanks to the generous donors — governments, National Societies and private individuals — who in recent years have enabled the ICRC to discharge its mandate and meet ever-growing needs, and urge them not to slacken their efforts at this difficult time when funds are often hard to come by. I earnestly hope that the governments will not force us to abandon the victims by cutting back on their funding of our activities.

Emergency operations often attract considerable media attention. In countries at war, the media can be excellent means of promoting moral values and

humanitarian principles. But they can also engage in political manipulation and distort facts, sometimes going so far as to fan hatred and incite to murder. Elsewhere, the media limelight focused on certain conflicts can have favourable effects, such as drawing attention to human distress which would otherwise go unnoticed. Yet the influence of the media on public opinion and the resulting pressure on governments can be weakened when the audience becomes accustomed to violence and pictures and accounts of atrocities become daily fare. Moreover, the fact that only a few conflicts are in the headlines at any given time means that others sink into oblivion. Media interest is very selective. Who still wants to know about Afghanistan, Sri Lanka or Liberia? Audiences have grown tired of them and so they have been consigned to oblivion. Meanwhile *the victims of these forgotten conflicts* suffer no less, in body and in mind, amidst general indifference as the world tunes in to the story of the day.

Implementation of international humanitarian law is a matter for the entire Movement. The magnitude of humanitarian needs has led the Movement to adapt and to strengthen its components while reaffirming its *Fundamental Principles*, proclaimed 30 years ago in Vienna. We are thus celebrating another particularly symbolic anniversary today. The Principles, of which the ICRC is the acknowledged guardian, are more than ever the cement that holds the International Red Cross and Red Crescent Movement together and provide the guidelines for its action. All of us — the National Societies, the Federation and the ICRC — are duty bound to apply them to the letter. For the ICRC, with its specific mandate to work for the victims of armed conflict, the principles of *neutrality, impartiality and independence* are crucial. The governments which approved the Movement's Statutes have to respect at all times the obligation of all its components to observe the Fundamental Principles.

As I stressed earlier, *the principle of independence* is an essential asset for our work. It enables us to preserve the rapidity and efficiency of our operations in behalf of all victims of armed conflict, for the ICRC in particular, and of all vulnerable people, whatever the cause of their plight, for the Movement in general. The material support a government may offer its country's National Society should not be seen as a form of supervision. Just as the ICRC and the Federation refuse to be used as instruments of international politics, a National Society can in no way become a political instrument for its government. The Movement's various components must also bear the principle of independence in mind in the relations they may establish with other organizations within the wider concept of humanitarian cooperation and consultation that I mentioned previously.

Times change and with them the focus of humanitarian needs; with courage and imagination we must constantly adapt our activities to the realities of the

day. In a world where political action aimed at preventing or resolving crises is sadly inadequate and military operations do nothing to promote *tolerance*, the role of the Movement — stronger and more united through the specific but complementary activities of each of its components — is more essential than ever. Essential in emergency and reconstruction work, naturally, but also in *preventive action*. By actively combating all forms of hatred, fanaticism, racism and exclusion we can do more, on the international level as well as that of every country represented here, *to promote the value of tolerance*, which alone can spare coming generations from evils even greater than those we are witnessing today. For tolerance implies subscribing to certain standards of civilization and culture, an *art of living* in the sense of coexisting on a daily basis and observing recognized and accepted principles, based on listening and dialogue.

To respond to the vast challenges I have outlined, the objective of this Conference, which prolongs the positive momentum created by the 1993 Conference for the Protection of War Victims, *must be to ensure that humanitarian action is universally recognized and respected*. As the expression of a common and long-term resolve, I invite you to subscribe to *a new contract of humanity*, whereby States and the entire international community undertake to give their unreserved support to efforts aimed at applying international humanitarian law. This implies, among other things:

- *speeding up the process of ratification of the existing instruments of humanitarian law;*
- *intensifying efforts to disseminate the law;*
- *reaffirming that it is unacceptable that rules applicable in international conflicts should not apply in internal conflicts and, hence, applying and ensuring the application of Article 3 common to the four Geneva Conventions;*
- *doing everything possible, in the event of violations of international humanitarian law, to remedy the situation, in the spirit of Article 1 of the Geneva Conventions and Article 9 of Protocol I, and imposing penal sanctions on those who commit grave breaches of the law, as stipulated in the Conventions.*

To put an end to the current confusion with regard to the respective roles of humanitarian agencies, political bodies and the military, and to make it easier to protect and bring aid to victims, *States have the duty to preserve a space for humanitarian action which will guarantee the neutrality, impartiality and independence of such action.*

The International Conference of the Red Cross and Red Crescent meets only every four or five years. The ICRC therefore supports Recommendation VII of

the Intergovernmental Group of Experts, which proposes, inter alia, that *the depositary of the Geneva Conventions organize periodic meetings of the States party*. Such meetings, which would be complementary to the Conference and in harmony with its proceedings, could only be conducive to the maintenance and strengthening of the dialogue within the international community on general problems relating to the application of international humanitarian law.

For my part, I know that we are inspired by the same conviction and that we are capable of fulfilling the terms of the new contract of humanity I have the honour to propose to you today. On behalf of the victims, I thank you for your commitment. In the final analysis, the principle that counts for the Red Cross and Red Crescent is that every human being is responsible for the suffering of his fellows.

COMMISSION I

WAR VICTIMS AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

Commission I, which was chaired by H.E. Ambassador Hisashi Owada, Permanent Representative of Japan to the United Nations in New York, had two main items on its agenda: discussion of the follow-up to the 1993 International Conference for the Protection of War Victims held in Geneva and action to be taken in that regard by the 26th International Conference, and examination of a number of humanitarian issues relating to the protection of the civilian population in times of armed conflict. The Commission also took note of the San Remo Manual on International Law Applicable to Armed Conflicts at Sea.

A. Report on the follow-up to the International Conference for the Protection of War Victims

At the invitation of the Swiss government, an International Conference for the Protection of War Victims was held in Geneva from 30 August to 1 September 1993. The States present at that Conference expressed their refusal to accept the inevitability of serious and large-scale violations of international humanitarian law which cause suffering, destruction, destitution and death, especially among the civilian population. A fervent appeal was made to all States to honour their humanitarian commitments.¹

At the request of the 1993 Conference, the Swiss government then convened an Intergovernmental Group of Experts in Geneva from 23 to 27 January 1995, which was open to all States. The group adopted by

¹ See the Final Declaration of the International Conference for the Protection of War Victims, *International Review of the Red Cross*, No. 296, September-October 1993, pp. 377-381, and *infra*, pp. 79-82.

consensus a series of practical recommendations aimed at promoting full respect for international humanitarian law.² The Chairman of the meeting, Ambassador Luzius Caflisch (Switzerland), presented those eight recommendations, which were essentially pragmatic in nature, to Commission I as follows.

He reminded the Commission that the first recommendation encouraged States to adhere to all instruments of international humanitarian law. The second recommendation suggested that the ICRC, with the assistance of experts, should take on the task of identifying the customary rules applicable to international as well as internal conflicts.

The third recommendation stressed the fact that the dissemination of international humanitarian law was a priority task for all. The ICRC was therefore invited to strengthen its capacity to provide advisory services to States in those areas, with the assistance of National Societies, the International Federation and academic institutions. The fourth recommendation also related to dissemination, proposing a series of measures to enhance awareness of international humanitarian law. For example, the ICRC agreed to prepare, in cooperation with experts from various regions of the world, a model manual on the law of international and non-international armed conflicts. The fifth recommendation too was concerned with the dissemination of international humanitarian law and suggested the creation of national committees, comprising representatives of governmental and other interested circles, which could be approached on all matters relating to international humanitarian law, its dissemination and implementation.

The sixth recommendation specified the duty of States to exchange information on implementation measures and invited the ICRC to facilitate the exchange of such information, to report to other States and to the present Conference.

The seventh recommendation listed a number of measures designed to enable States, in particular with the assistance of the United Nations, to respect and ensure respect for the rules of international humanitarian

² See Recommendations of the Intergovernmental Group of Experts for the Protection of War Victims, *International Review of the Red Cross*, No. 304, January-February 1995, pp. 33-38, and *infra*, pp. 83-88. See also Report 95/C.I/2/1 (Geneva 1995), and Document 95/C.I/2/3 issued by the Swiss authorities (Geneva 1995). The ICRC stated its position on the recommendations in a report entitled "International humanitarian law: from law to action", Document 95/C.I/2/2 (Geneva 1995).

law, especially with regard to the protection of the civilian population. Those measures included support for the ad hoc tribunals for the former Yugoslavia and Rwanda, as well as support for the establishment of a permanent international criminal court. Finally, it was proposed that the Depositary of the Geneva Conventions should organize periodical meetings of the States Parties to consider "general problems regarding the application of international humanitarian law".

The eighth and last recommendation suggested that the ICRC should examine several issues related to the protection of civilians, including that of women, children and refugees; situations in which State structures had disintegrated; and the relationship between the availability of weapons, the proliferation of conflicts and the deterioration in the situation of civilians.

Speaking on behalf of the ICRC, its Vice-President, Mr Pierre Keller, stressed the importance it placed on the recommendations formulated by the Intergovernmental Group of Experts. He informed the delegates of the measures already taken by the ICRC to follow up on the recommendations which directly concerned it, such as substantially strengthening its advisory services. Professor Mamoun Yousif Hamid, President of the Sudanese Red Crescent and Vice-President of the International Federation, pointed out the significant contribution National Societies could make in boosting respect for international humanitarian law, thereby ensuring better protection of the civilian population against the effects of war.

A considerable number of speakers in Commission I deplored the far too many cases in which international humanitarian law was seriously violated, to the detriment of the most vulnerable groups of society. To counteract this lack of respect for humanitarian commitments, the delegates in Commission I endorsed the proposals submitted to them, underscored the value of the recommendations made by the Intergovernmental Group of Experts and all advocated their approval *en bloc*. Only Recommendation VII was criticized: some delegates feared that the organization of periodical meetings to consider general problems regarding the application of international humanitarian law could jeopardize the role of the International Conferences of the Red Cross and Red Crescent. However, that was not the intention of this innovation and the resolution proposed by Commission I succeeded in dispelling their doubts.

Commission I approved by consensus a resolution, for consideration in plenary, entitled "International humanitarian law: from law to action. Report on the follow-up to the International Conference for the Protection

of War Victims". After adoption by consensus by the plenary meeting, it became Resolution I of the 26th International Conference. In this resolution, the International Conference of the Red Cross and Red Crescent strongly condemned violations of international humanitarian law and called on States to respect and ensure respect for that law in all circumstances. The Conference then endorsed the Final Declaration of the 1993 Conference for the Protection of War Victims and the recommendations of the Intergovernmental Group of Experts in January 1995, and requested States to implement those recommendations. With reference to the recommendation that the Depositary State should organize periodical meetings of the representatives of States party to the Geneva Conventions to examine the general problems caused by violations of international humanitarian law, the Conference requested that the outcome of such meetings be transmitted not only to the States, but also to the International Conference of the Red Cross and Red Crescent. The Swiss government delegation had moreover made a statement in that connection during the final plenary meeting. After accepting the mandate to convene such meetings, the Swiss government emphasized that it would do so after broad consultations had been carried out, and on the basis of a consensus both on the timeliness of such meetings and on the subjects to be discussed, pointing out that only general problems relating to the application of international humanitarian law would be addressed.

B. Protection of the civilian population in periods of armed conflict

This item on the agenda of Commission I gave delegates an opportunity to examine and discuss some of the most burning issues with regard to the plight of the civilian population caught in the grip of war. The report, prepared and presented by the ICRC (in consultation with the International Federation), laid the foundation for a broad exchange of views under the following headings: protection of the civilian population (general comments), protection of women, protection of children, family reunification, famine and war, water and war, and anti-personnel mines and blinding weapons.³

³ Protection of the civilian population in periods of armed conflict, Document 95/C.I/3/1 (Geneva 1995)

In addition, the ICRC had prepared a draft resolution in collaboration with the International Federation and after consulting with the National Societies and States, the latter mainly through their Permanent Missions in Geneva. It served as a framework for the negotiation of a very comprehensive resolution entitled "Protection of the civilian population in periods of armed conflict". The text established by the Drafting Committee was accepted by consensus, both in Commission I and in the final plenary meeting, and became Resolution II of the 26th International Conference.

In their introductory statements the representatives of the ICRC and the International Federation, Mr Pierre Keller and Professor Mamoun Yousif Hamid respectively, stressed the urgent need to act, both by working for greater compliance with international humanitarian law by the parties to the Geneva Conventions and their Additional Protocols, and by turning the National Societies' tremendous potential to fuller account. Together, more effective measures must be taken to alleviate the suffering of war victims.

The representatives of governments, National Societies and international organizations who took the floor were unanimous in condemning the all too frequent and sometimes extremely serious violations of international humanitarian law. They made specific reference to criminal acts committed against civilians in certain recent conflicts, such as torture, "ethnic cleansing", violation of the rights of women, refugees or displaced persons, and attacks against humanitarian convoys. A number of speakers underscored the substantial discrepancy between existing humanitarian obligations and the reality of atrocities committed primarily against civilians, and denounced the lack of political determination to fulfil commitments undertaken. The speakers therefore called for appropriate measures to put an end to those violations, of which civilians were too often the main victims, and urged support for the ICRC, the National Societies, their International Federation and other humanitarian organizations in their efforts to provide effective protection for the civilian population.

With regard to the situation of the most vulnerable groups in wartime, the delegates appealed for greater respect for the position and role of *women* in times of armed conflict. All speakers condemned rape, considering that it constituted a war crime which must be firmly repressed. Several speakers also suggested specific measures to provide assistance to women who had been the victims of sexual assault, and National Societies were called on to play a part in providing such support.

Discussions on the protection of *children* in times of armed conflict centred mainly on children's participation in hostilities. Several representatives of National Societies, in particular, questioned the minimum age of 15 years for the recruitment of children into the armed forces. They requested that it be raised to 18 years, because only adults had the capacity to discern what was allowed in the course of military operations, and what was not. At the same time, practical steps should be taken to avoid the involvement of children under 18 years of age in hostilities. A balanced text, taking into account the various opinions expressed, was incorporated in the draft resolution.

Some delegates highlighted the importance of measures to be taken to enable the *reunification of families* separated by war.

The topics "Famine and War" and "Water and War" provided an opportunity for several speakers to condemn the use of starvation as a method of warfare. Likewise, destruction of water distribution systems was deemed tantamount to an attack on the civilian population. Delegates called for strict respect for the concerns of civilians and their right to receive assistance as and when needed.

However, anti-personnel mines were the predominant subject for the majority of delegates. Referring to the unspeakable suffering and extensive harm inflicted by anti-personnel mines on civilians in several States, mainly in Africa and Asia, the representatives of National Societies called for a total ban on anti-personnel mines, i.e. to prohibit not only their use but also their production, stockpiling and export; they thereby endorsed an ICRC proposal. Many speakers regretted the failure of the Review Conference of the 1980 Convention on Conventional Weapons (Vienna 1995) to reach an agreement on stricter regulation. After arduous negotiations the Commission approved, by consensus, a text for inclusion in the resolution on the protection of the civilian population. The resolution stated, "that the Movement and a growing number of States, international, regional and non-governmental organizations do their utmost to achieve urgently the total elimination of anti-personnel landmines". The resolution also urged States to make every possible effort to strengthen the 1980 Weapons Convention and its Protocol II on landmines.

Turning to problems of humanitarian concern caused by another device of warfare, *blinding laser weapons*, Commission I welcomed the adoption, by the said Review Conference, of a new fourth protocol banning the use of laser weapons specifically designed to cause permanent blindness.

C. Any other business: international humanitarian law applicable to armed conflicts at sea

To follow up Resolution VII of the 25th International Conference of the Red Cross, the International Institute of Humanitarian Law of San Remo had convened a meeting of government and private experts, all of whom took part in a personal capacity, to re-examine the current state of international law applicable to armed conflicts at sea. The *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, the product of their work, was brought by the ICRC to the attention of the 26th International Conference.⁴ Many delegates hailed the completion of the study and pointed to the importance of the San Remo Manual, which fills a gap. In Resolution 3, the 26th Conference invited States to draft their own manuals and encouraged them to use the San Remo Manual as a model where appropriate.

⁴ See Report 95/C.I/4/1 and *International Review of the Red Cross*, No. 309, November-December 1995, pp. 595-637.

COMMISSION II

HUMANITARIAN VALUES AND RESPONSE TO CRISIS

Commission II met under the chairmanship of Mr Ousmane Diagne, President of the Senegalese Red Cross, to discuss humanitarian values and response to crisis. Representatives of the Federation and the ICRC began the proceedings by introducing the topics outlined in two documents entitled “Principles and response in international humanitarian assistance and protection” and “Strengthening capacity to assist and protect the most vulnerable” (Docs. 95/C.II/2/1 and 95/C.II/3/1 respectively).

In her capacity as Vice-President of the Federation, Lady Limerick, Chairman of the British Red Cross, spoke of the tragic plight of millions of refugees and displaced persons throughout the world; she stressed the need for the Movement to establish appropriate operational relations with States and international organizations and mentioned the quality and the openness of operations conducted by the components of the Movement, as reflected in the Principles and Rules for Red Cross and Red Crescent Disaster Relief. A concern to set high standards of professional conduct and practice for humanitarian action was also reflected in the Code of Conduct for the Movement and NGOs in Disaster Relief. In conclusion, she underlined the need to minimize the harmful effects of economic sanctions, and the importance of providing support for National Societies and promoting their development on both the national and the international level.

Mr Eric Roethlisberger, Vice-President of the ICRC, recalled the major work done by the ICRC on behalf of persons displaced within their own countries, a task which always formed part of broader action to assist all the victims of a conflict. In a fast-evolving global environment where humanitarian concerns were increasingly entangled with political, military and economic considerations, it was vital that the Movement’s operations should continue to be guided by the Fundamental Principles, particularly those of neutrality, impartiality and independence. The Code of Conduct

sought to strengthen the professional nature and the credibility of humanitarian action. As to the complex and sensitive issue of economic sanctions, the ICRC had noted an increasing necessity to make a careful analysis of their effects while never losing sight of the need to alleviate the suffering of victims.

Mr Roethlisberger urged States to support their National Societies so as to enable them to offer more effective assistance to the victims of conflicts and other disasters, and to especially vulnerable populations.

1. General issues

On a general note, the delegations reaffirmed the importance of the International Red Cross and Red Crescent Movement and the humanitarian values it represented; they paid tribute to the action of the various components of the Movement and the dedication of their members and volunteers, particularly those who had sacrificed their lives for the humanitarian cause. Most of them also stressed the need to reaffirm the Fundamental Principles of the Movement, mentioning *inter alia* the vital role of education in the promotion of those principles and various measures conducive to the establishment of a humanitarian culture at the international level.

Many delegations raised the issue of the independence of humanitarian action. Several considered it essential that such action remain separate from and independent of political and military initiatives. In the field, too close a link between political, military and humanitarian measures could result in the politicization of humanitarian action, thereby compromising the Fundamental Principles and jeopardizing the safety of Red Cross and Red Crescent personnel.

A large number of governmental delegations asserted that political and humanitarian issues could not easily be separated. In their view, humanitarian action could not replace the political measures that governments had to take; political action was important in helping to prevent conflicts and reducing the need for humanitarian assistance.

The concerns expressed elicited a set of recommendations which are reflected in a draft resolution adopted by the Commission and later by the Conference (Resolution 4 G).

Delegates also spoke of the pressing need to avoid duplication of work among humanitarian organizations and to define relations between the

components of the Movement and other institutions, particularly United Nations agencies, with a view to ensuring the closest possible coordination.

Certain National Societies took the opportunity to highlight the unique and specific role of the Movement; they felt that the proliferation of humanitarian players addressed no need whatsoever but led instead to the squandering of increasingly limited resources.

2. Principles and action in international humanitarian assistance and protection

The debate on the above topic prepared the ground for Conference Resolution 4, which covered a number of subjects:

(a) Refugees and displaced persons

Several governmental and National Society representatives drew attention to the alarming increase in the flow of refugees and internally displaced persons caused by conflicts and other disasters.

Among other things, delegates called upon States “to ensure efficient and adequate access to internally displaced persons and refugees for neutral, impartial and independent humanitarian organizations, (...) in particular the United Nations High Commissioner for Refugees, according to their respective mandates, so that they may provide protection and humanitarian assistance to those persons”.

The components of the Movement were invited “to devise and apply innovative approaches to humanitarian response, including mechanisms for rapid action, based on effective mobilization and use of resources, which will enable them to provide timely and appropriate assistance for internally displaced persons and refugees, taking due account of the action of other humanitarian organizations”.

The ICRC, the Federation and the National Societies were invited to pursue and encourage operational cooperation with the United Nations, particularly UNHCR, in a spirit of complementarity.

(b) Natural and technological disasters

The Movement was invited to become more alert to the risk of technological disasters and prepare for them accordingly, although preventive

measures, relief operations and the rehabilitation of victims were primarily a matter for governments.

(c) Principles and rules governing disaster relief operations

Delegates took note of the revised Principles and Rules for Red Cross and Red Crescent Disaster Relief and invited the components of the Movement to implement them.

Many delegations spoke of the need to incorporate long-term development criteria in humanitarian assistance, a move which implied strengthening the structures and operational capacities of beneficiary National Societies.

(d) Code of Conduct for the Movement and NGOs in Disaster Relief

Delegates welcomed the Code of Conduct because its ethical principles encouraged relief organizations to observe a minimum of professional ethics and to direct their activities towards meeting the needs of victims.

(e) Humanitarian implications of economic sanctions

Several speakers referred to economic sanctions, all mentioning the need to consider their impact in humanitarian terms on the civilian populations affected, particularly the most vulnerable groups. States were therefore requested to authorize strictly humanitarian relief operations on behalf of those categories of persons. For their part the ICRC, the Federation and the National Societies were invited “to contribute to the reduction of the undesirable side-effects of sanctions on the humanitarian situation of civilian populations, through assessing the impact thereof and providing relief to the most vulnerable persons, in accordance with their respective mandates”.

3. Strengthening national capacity to provide humanitarian and development assistance and protection to the most vulnerable

Commission II discussed the above topic at length and the Conference subsequently adopted Resolution 5 on the subject.

A large number of National Society delegations outlined their programmes and activities for assisting and protecting vulnerable groups. Some of those from developing countries spoke of the increasingly inadequate resources available to them for coping with ever-expanding needs.

Several requests were addressed to States, namely that they recognize the need to preserve the independence and autonomy of action of National Societies but also that they “make better use of the potential of National Societies as cost-effective providers of health care, social services and emergency assistance for the most vulnerable, and (...) recognize that National Societies will need to develop new ways, including systems of cost recovery, to fund work carried out in cooperation with the public authorities”.

States were also invited to grant National Societies financial and fiscal advantages, for example, and “to support the development of the global network of National Societies by providing adequate financial resources to development cooperation programmes in order to address the needs of the growing number of the most vulnerable populations, both in normal times and in times of disaster”.

The Commission, noting with satisfaction the efforts made by National Societies and the Federation with regard to institutional development, resources and programmes, called upon the Federation and the ICRC, in cooperation with National Societies, “to draw up a model law of recognition of a National Society suitable for adaptation to individual national requirements, and present it to the 27th International Conference”. Last but not least, the States concerned and the Federation, in cooperation with the ICRC, were invited to encourage the establishment and development in each country of an independent National Society meeting the statutory conditions for recognition and subsequent admission as a member of the Federation in cases where National Societies were not full members.

4. Final remarks

Following a presentation by the Rapporteur of a summary of the proceedings of the Commission, the representative of the Federation thanked delegates for the firm support and encouragement they had offered the Movement as a whole. He urged governments to give material backing to the support expressed for National Society development and

said he was gratified by the commitment made by governments to protect the integrity and independence of the National Societies. As for the Federation, it would do all in its power to secure approval of the Code of Conduct by all humanitarian organizations in order to improve the general quality of humanitarian assistance. The Federation supported the proposal by one government to set up a group of experts on the question of separating humanitarian, political and military issues. In its future activities the Federation would attach particular importance to efforts aimed at improving the situation of the most vulnerable, promoting human dignity and the Red Cross and Red Crescent Principles, and protecting the Movement's independence of action.

Lastly, the ICRC representative drew attention to the specifically neutral role played by the ICRC in conflicts and other situations of violence. The National Societies fulfilled a crucial function and it was vital to support their activities and to avoid duplication among different organizations which should be mutually complementary. The ICRC was prepared to accept the offer made by one government to set up a group of experts to reflect, in cooperation with the Federation, on the separation of humanitarian, political and military issues. The dissemination of humanitarian law was also a matter of considerable importance. In conclusion he, too, expressed concern about the effects of economic sanctions on the most vulnerable groups among the population.

Both representatives paid tribute to the Chairman of the Commission for his efficient conduct of its proceedings, and to the Rapporteur for his excellent services.

SECOND PLENARY MEETING

(6 December 1995)

During the second plenary meeting, the Conference unanimously adopted an amendment to the Movement's Statutes and Rules of Procedure, replacing all references to the "League of Red Cross and Red Crescent Societies" throughout the texts by "International Federation of Red Cross and Red Crescent Societies". This amendment had been adopted by the General Assembly of the Federation in 1991.

The report submitted by the Standing Commission of the Red Cross and Red Crescent and that of the Joint Commission of the Empress Shôken Fund were adopted by acclamation.

Election of five members of the Standing Commission

Also during that meeting, the delegations elected the five National Society members of the Standing Commission. It will be recalled that the nine-member Standing Commission is composed of two members of the ICRC, two from the International Federation and five members elected in a personal capacity.

The 26th Conference elected the following five members of the Standing Commission from a slate of 13 candidates. They are (in descending order of number of votes received):

H.R.H. Princess Margriet of the Netherlands, Vice-President of the Netherlands Red Cross;

Mrs Christina Magnuson, President of the Swedish Red Cross;

Dr Guillermo Rueda Montaña, President of the Colombian Red Cross;

Mr Tadateru Konoe, Vice-President of the Japanese Red Cross;

Mr Byron Reuben Hove, National Chairman of the Zimbabwe Red Cross, former Vice-Chairman of the Standing Commission.

The four other members of the Standing Commission are:

Mr Cornelio Sommaruga, President of the International Committee of the Red Cross;

Mr Mario Villaroel Lander, President of the International Federation of Red Cross and Red Crescent Societies;

Mr Yves Sandoz, Director of the ICRC's Department for Principles, Law and Relations with the Movement;

Mr George Weber, Secretary General of the International Federation.

During the first meeting of the new Standing Commission on 7 September, Princess Margriet of the Netherlands and Mr Hove were elected Chairwoman and Vice-Chairman respectively.

The next meeting of the Commission will be held in Geneva in January 1996.

THIRD PLENARY MEETING
COMMISSION REPORTS
AND ADOPTION OF RESOLUTIONS

(7 December 1995)

The third plenary meeting began with an account by the Rapporteurs of the work of the two Commissions. Professor José Manuel Carrilho Ribeiro, President of the Portuguese Red Cross, reported on the work of Commission I (see pp. 36-42 above) and Mr Jaime J. Yambao, Minister Counsellor, Permanent Mission of the Philippines, reported on the work of Commission II (see pp. 43-48 above).

After a summary by Ambassador Philippe Kirsch of the work of the Drafting Committee, **the Conference adopted by consensus the five resolutions submitted** (see pp. 58-77). The first three were concerned with the subjects examined in Commission I, whilst the other two related to those discussed in Commission II:

- Resolution 1* International humanitarian law: From law to action
Report on the follow-up to the International Conference on the Protection of War Victims;
- Resolution 2* Protection of the civilian population in period of armed conflict;
- Resolution 3* International humanitarian law applicable to armed conflicts at sea;
- Resolution 4* Principles and action in international humanitarian assistance and protection;
- Resolution 5* Strengthening national capacity to provide humanitarian development assistance and protection to the most vulnerable.

CLOSING SESSION
FINAL STATEMENTS

(7 December 1995)

The Conference ended in a warm and friendly atmosphere, underscored by the final statements delivered by Princess Margriet of the Netherlands as Chairwoman of the Standing Commission, the President of the ICRC, the President of the Federation and the Chairwoman of the Conference, Mrs Astrid Heiberg.

The **Chairwoman of the Standing Commission** paid tribute to the work of the outgoing Commission and especially its Chairman. She stressed that the new Commission would be dedicated to strengthening the Movement and preparing for the next International Conference of the Red Cross and Red Crescent, which would be held before the end of the century.

The **President of the ICRC** pointed out that, after an interval of far too many years, the 26th Conference had led to the resumption of a humanitarian dialogue showing that the Movement was full of vitality and could bear its humanitarian message into the dawn of the third millennium and far beyond. The present Conference had been crowned with success because it had been prepared well in advance and because it had been chaired with firm and elegant authority. Victims still looked to us, waiting all around for us to act on the pledges given here in this humanitarian covenant; its results would be assessed in 1999 at the 27th International Conference of the Red Cross and Red Crescent, which would have to be truly universal as regards both States and National Societies. Mr Sommaruga congratulated the members of the Standing Commission on their election and looked forward to working with them. He thanked the Chairwoman and Vice-Chairmen of the Conference; the Chairmen, Vice-Chairmen and Rapporteurs of the two Commissions; the Chairman of the Drafting Committee and the Secretary General of the Conference. He also thanked the Swiss government for its political, financial and logistical support, and expressed his gratitude to all the delegations, adding that the Conference was a unique and irreplaceable forum. Lastly, Mr Sommaruga stressed that every effort must be made to implement the resolutions which had just been adopted. "May the voice of humanity raised at this Conference never fall silent!"

The **President of the Federation** first of all expressed his gratitude to the Swiss Confederation and to all who had helped make the Conference a success. Then, in words of encouragement to the National Societies, he said that they stood at the start of a new journey. There would be no rest. "Let us form a humanitarian lobby. May the Federation and the ICRC act humbly and accept change. Together we will succeed!"

Finally, the **Chairwoman of the Conference** commented that through the participation of more than 350 delegations, both those representing governments, National Societies, the ICRC and the Federation and those present as observers, and as the approximately 200 statements made in the two Commissions had shown, the 26th Conference was a testimony to the relevance of humanitarian concerns. In reviewing the results of the Conference, Mrs Heiberg emphasized the unanimous condemnation of attacks directed against civilians, the recognition of rape as a war crime, the support for the minimum age of recruitment of children into the armed forces to be raised from 15 to 18 years, and the extensive endorsement of the recommendations of the Intergovernmental Group of Experts, particularly those concerning the dissemination of international humanitarian law and the prosecution of perpetrators of violations thereof. The principles proposed in Commission II for improved guidance of relief operations had received broad support, as had the need to help with National Society development.

She welcomed the progress made towards achieving a total ban on anti-personnel mines, and the new thrust given to the dialogue between governments and Red Cross/Red Crescent institutions.

In conclusion, Mrs Heiberg paid tribute to the members of the Conference Bureau and to Mr Kirsch and Mr Carlton, who had skilfully chaired the work of the Drafting Committee; Mr Kaspar Villiger, President of the Swiss Confederation; Mr Olivier Vodoz, President of the Geneva State Council; the ICRC and the Federation, joint organizers of the Conference; the Secretary General, Ambassador Jean-Daniel Biéler; and the Assistant Secretaries General, Mrs Yolande Camporini and Mr Olivier Dürr.

**Twenty-sixth International Conference
of the Red Cross and Red Crescent**

Geneva, 1995

RESOLUTIONS

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1

**International humanitarian law: From law to action
Report on the follow-up to the International Conference
for the Protection of War Victims**

The 26th International Conference of the Red Cross and Red Crescent,
noting with great concern the increasing number of armed conflicts taking
place in various parts of the world,

alarmed by the gross and persistent violations of international humanitarian
law that are being committed, particularly against civilians, including the most
vulnerable,

deeply concerned about the grief and suffering resulting from such violations,

deploring the decrease in respect for international humanitarian law,

noting that States party to the 1949 Geneva Conventions and States party to
the 1977 Additional Protocols have the obligation not only to respect but also
to ensure respect for those Conventions and Protocols, and that all States must
respect relevant customary international humanitarian law,

recalling that, in cases not covered by international agreements, the human
person remains under the protection of the principles of humanity and the dictates
of the public conscience,

convinced that all appropriate measures must be taken in order that all should
know and understand the fundamental principles of international humanitarian
law,

recalling that the Swiss Government convened in Geneva an International
Conference for the Protection of War Victims, from 30 August to 1 September
1993, and an Intergovernmental Group of Experts for the Protection of War
Victims, from 23 to 27 January 1995,

having taken note of the report of the Chairman of the Intergovernmental
Group of Experts for the Protection of War Victims,

noting the document drawn up by the Swiss authorities on meetings of the
States party to the 1949 Geneva Conventions to consider general problems
regarding the application of international humanitarian law (Document 95/C.I/
2/3),

stressing the importance of holding the International Conference of the Red
Cross and Red Crescent at regular intervals to help improve the protection of
war victims,

1. *strongly condemns* the violations of international humanitarian law taking place in various parts of the world;
2. *solemnly reaffirms* that every State must respect in all circumstances the relevant principles and norms of humanitarian law and that States party to the 1949 Geneva Conventions and States party to the 1977 Additional Protocols must ensure respect for the Conventions and Protocols;
3. *endorses* the Final Declaration of the International Conference for the Protection of War Victims,¹ adopted on 1 September 1993, which confirms the need to reinforce implementation of and respect for international humanitarian law and which is attached to the present resolution;
4. *also endorses* the Recommendations drawn up by the Intergovernmental Group of Experts (Recommendations),² which aim at translating the Final Declaration of the Conference into concrete and effective measures and which are attached to the present Resolution;
5. *strongly urges* States to implement the Recommendations addressed to them, especially by adopting appropriate measures at the national and international level and supporting international organizations working in this field, and *invites* them to consider further steps towards the effective protection of war victims;
6. *encourages* States and National Red Cross and Red Crescent Societies (National Societies) to organize meetings, workshops and other activities on a regional basis to enhance the understanding and implementation of international humanitarian law;
7. *recommends* that the outcome of meetings convened by the Depositary of the 1949 Geneva Conventions, including those mentioned in Recommendation VII of the Intergovernmental Group of Experts, be transmitted to the next International Conference of the Red Cross and Red Crescent as well as to States party to those Conventions;
8. *urges* the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (International Federation) and the National Societies to carry out the tasks entrusted to them by the Recommendations and *calls upon* States to give them adequate support in this regard;

¹ See Annex I, pp. 79-82.

² See Annex II, pp. 83-88.

9. *invites* States to respond generously to the annual Appeal made jointly by the ICRC and the International Federation in pursuance of Recommendation VIII of the Intergovernmental Group of Experts for the financing of concrete dissemination projects proposed by National Societies, to support financially the dissemination component of regular relief and development programmes of the ICRC and of the International Federation, and to support domestic dissemination programmes of the National Societies of their respective countries;
10. *invites* the ICRC, in cooperation with the International Federation, to report to the 27th International Conference on the implementation of the present resolution.

2

Protection of the civilian population in period of armed conflict

The 26th International Conference of the Red Cross and Red Crescent,
deeply alarmed

- by the spread of violence and the massive and continuing violations of international humanitarian law throughout the world,
- by the immense suffering this causes among the civilian population in cases of armed conflict or foreign occupation of a territory, and in particular by the spread of acts of genocide, the practice of “ethnic cleansing”, widespread murder, forced displacement of persons and the use of force to prevent their return home, hostage-taking, torture, rape and arbitrary detention, all of which violate international humanitarian law,
- by the serious violations of international humanitarian law constituted by acts aimed at the expulsion of the civilian population from certain areas or even the extermination of the civilian population, or by compelling civilians to collaborate in such practices,
- by the serious violations of international humanitarian law in internal as well as international armed conflicts constituted by acts or threats of violence the primary purpose of which is to spread terror among the civilian population and by acts of violence or of terror making civilians the object of attack,
- by the difficulties encountered by humanitarian institutions in performing their tasks in armed conflicts, in particular when State structures have disintegrated,

- by the growing disparity between the humanitarian pledges made by certain parties to armed conflicts and the profoundly inhumane practices of those same parties,
- by the rapid expansion of the arms trade and the uncontrolled proliferation of weapons, especially those which may have indiscriminate effects or cause unnecessary suffering,

stressing the importance of full compliance with and implementation of international humanitarian law, and *recalling* that international humanitarian law and international instruments relating to human rights offer basic protection to the human person,

recalling the obligation of States to repress violations of international humanitarian law and *urging* them to increase international efforts

- to bring before courts and punish war criminals and those responsible for serious violations of international humanitarian law,
- to establish permanently an international criminal court,

reaffirming that any party to an armed conflict which violates international humanitarian law shall, if the case demands, be liable to pay compensation,

aware that the urgency of alleviating the suffering of the civilian population in times of armed conflict should not distract attention from the pressing obligation to fight the root causes of conflicts and the need to find solutions to conflicts,

alarmed by the deliberate and systematic destruction of movable and immovable property of importance to the cultural or spiritual heritage of peoples, such as places of worship and monuments of architecture, art or history, whether religious or secular,

particularly concerned by the plight of women, children, dispersed families, the disabled and elderly, and civilian populations stricken by famine, deprived of access to water and subjected to the scourge of anti-personnel landmines as well as other weapons used indiscriminately,

A. *With regard to the whole of the civilian population:*

- (a) *reaffirms* the obligation of all States to respect in all circumstances the relevant principles and norms of international humanitarian law, and of States party to the 1949 Geneva Conventions and States party to the 1977 Additional Protocols to ensure respect for the Conventions and Protocols;

- (b) *strongly condemns* the systematic and massive killing of civilians in armed conflicts;
- (c) *urges* States and all parties to armed conflicts to comply in all circumstances and to ensure compliance by their armed forces with the relevant principles and norms of international humanitarian law and, with the support of the International Red Cross and Red Crescent Movement (Movement), to take the necessary measures to disseminate them;
- (d) *stresses* that international humanitarian law provides for the protection of the civilian population in case of foreign occupation and against attacks, the effects of hostilities and dangers arising from military operations;
- (e) *welcomes* the efforts being undertaken to develop the rules of international humanitarian law applicable to multilateral peacekeeping operations and enforcement actions;
- (f) *stresses* also the utmost importance, in all circumstances, of humanitarian standards and the necessity to respect applicable human rights norms;
- (g) *condemns* sexual violence directed against any person and *stresses* that rape and forced prostitution in the course of an armed conflict or instigated by any party to a conflict constitute war crimes;
- (h) *strongly reasserts* the right of a civilian population in need to benefit from impartial humanitarian relief actions in accordance with international humanitarian law;
- (i) *emphasizes* the importance for humanitarian organizations to have unimpeded access in times of armed conflict to civilian populations in need, in accordance with the applicable rules of international humanitarian law;
- (j) *invites* States party to Additional Protocol I to implement and disseminate the rules of the Protocol regarding civil defence and *recommends* that the International Committee of the Red Cross (ICRC), in collaboration with the International Civil Defence Organization, encourage international cooperation in this field and the inclusion of this question in international meetings on international humanitarian law;
- (k) *urges* the ICRC, the National Red Cross and Red Crescent Societies (National Societies) and the International Federation of Red Cross and Red Crescent Societies (International Federation), in accordance with the requirements of their mandates, to intensify their efforts to disseminate those rules, and to assist and protect the civilian population in armed conflicts;

B. With regard to women:

- (a) *expresses* its outrage at practices of sexual violence in armed conflicts, in particular the use of rape as an instrument of terror, forced prostitution and any other form of indecent assault;
- (b) *recognizes* the fundamental link between assistance to and protection of women victims of conflict, and *urges* that strong measures be taken to provide women with the protection and assistance to which they are entitled under national and international law;
- (c) *strongly condemns* sexual violence, in particular rape, in the conduct of armed conflict as a war crime, and under certain circumstances a crime against humanity, and *urges* the establishment and strengthening of mechanisms to investigate, bring to justice and punish all those responsible;
- (d) *underlines* the importance of providing appropriate training to prosecutors, judges and other officials in handling such cases, in order to preserve the dignity and interests of the victims;
- (e) *encourages* States, the Movement and other competent entities and organizations to develop preventive measures, assess existing programmes and set up new programmes to ensure that women victims of conflict receive medical, psychological and social assistance, provided if possible by qualified personnel who are aware of the specific issues involved;

C. With regard to children:

- (a) *urgently draws attention to* the obligation to take all requisite measures to provide children with the protection and assistance to which they are entitled under national and international law;
- (b) *strongly condemns* deliberate killing and sexual exploitation of, and abuse of and violence against children, and *calls for* particularly stringent measures to prevent and punish such behaviour;
- (c) *also strongly condemns* recruitment and conscription of children under the age of 15 years in the armed forces or armed groups, which constitute a violation of international humanitarian law, and *demand*s that those responsible for such acts be brought to justice and punished;
- (d) *recommends that* parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities;

- (e) *supports* the work being done by the United Nations Commission on Human Rights on the involvement of children in armed conflicts with a view to adopting an optional Protocol to the 1989 Convention on the Rights of the Child, the purpose of which is to increase the protection of children involved in armed conflicts;
- (f) *takes note of* the efforts of the Movement to promote a principle of non-recruitment and non-participation in armed conflicts of children under the age of 18 years, and *supports* its practical action to protect and assist all children who are victims of conflict;
- (g) *encourages* States, the Movement and other competent entities and organizations to develop preventive measures, assess existing programmes and set up new programmes to ensure that child victims of conflict receive medical, psychological and social assistance, provided if possible by qualified personnel who are aware of the specific issues involved;

D. With regard to the reunification of families:

- (a) *demands* that all parties to armed conflict avoid any action aimed at, or having the effect of, causing the separation of families in a manner contrary to international humanitarian law;
- (b) *appeals* to States to do their utmost to solve the serious humanitarian issue of dispersed families without delay;
- (c) *emphasizes* that family reunification must begin with the tracing of separated family members at the request of one of them and end with their coming together as a family;
- (d) *stresses* the particular vulnerability of children separated from their families as a result of armed conflict, and *invites* the ICRC, the National Societies and the International Federation, within the scope of their respective mandates, to intensify their efforts to locate unaccompanied children, to identify them, to re-establish contact and reunite them with their families, and to give them the necessary assistance and support;
- (e) *notes* that the form of a family may vary from one culture to the other, *recognizes* the aspiration of separated families to be reunited and *appeals* to States to apply criteria for family reunification in such a way that they take into account the situation of those family members who are most vulnerable;
- (f) *requests* that the legal status of family members in a host country be determined swiftly and in a humanitarian spirit, with a view to ensuring the facilitation of family reunification;

- (g) *calls upon* States to facilitate the tracing activities of their respective National Red Cross or Red Crescent Societies by granting them access to the relevant data;
- (h) *encourages* National Societies to maximize their efficiency in carrying out tracing work and family reunifications by strengthening their tracing and social welfare activities and maintaining close cooperation with the ICRC, government authorities and other competent organizations, such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and non-governmental organizations (NGOs) involved in such work;
- (i) *calls upon* States to support National Societies in carrying out such tracing work and family reunifications;
- (j) *commends* the role of the ICRC's Central Tracing Agency (CTA) in tracing and reuniting family members, and *encourages* the CTA to continue to coordinate, whenever necessary, National Society activities in tracing and reuniting families and to train National Society staff in the principles and techniques of tracing;
- (k) *stresses* the need and the right of families to obtain information on missing persons, including missing prisoners of war and those missing in action, and *strongly urges* States and parties to armed conflict to provide families with information on the fate of their missing relatives;
- (l) *urges* States and parties to armed conflict to cooperate with the ICRC in tracing missing persons and providing necessary documentation;
- (m) *notes* the increasing importance of the psychological and social aspects of the needs of victims of armed conflict, and *encourages* the International Federation to advise and train National Societies in this field;

E. With regard to the civilian population affected by famine:

- (a) *strongly condemns* attempts to starve civilian populations in armed conflicts;
- (b) *stresses* the following provisions of international humanitarian law:
 - the prohibition on using starvation of civilians as a method of warfare and on attacking, destroying, removing or rendering useless, for that purpose, objects indispensable to the survival of the civilian population,
 - the prohibition on attacking, destroying, removing or rendering useless any objects indispensable to the survival of the civilian population,

- the general prohibition on forced displacement of the civilian population, which often causes widespread famine,
 - the obligation to accept, under the conditions prescribed by international humanitarian law, impartial humanitarian relief operations for the civilian population when it lacks supplies essential to its survival;
- (c) *urges* parties to conflict to maintain conditions in which the civilian population is able to provide for its own needs, in particular by refraining from any measure intended to cut it off from its sources of supply or access to its crops or arable land or generally depriving it of objects indispensable to its survival;

F. With regard to the civilian population deprived of water:

- (a) *stresses* that water is a vital resource for victims of armed conflict and the civilian population and is indispensable to their survival;
- (b) *calls upon* parties to conflict to take all feasible precautions to avoid, in their military operations, all acts liable to destroy or damage water sources and systems of water supply, purification and distribution solely or primarily used by civilians;
- (c) *requests* parties to conflict not to hinder access by the civilian population to water, and to facilitate access for the repair of water supply systems damaged by hostilities, also by ensuring the protection of personnel engaged in that task;
- (d) *requests* every State to encourage all efforts to bring back into operation water supply, purification or distribution systems damaged by military operations;

G. With regard to anti-personnel landmines:

- (a) *expresses deep concern and indignation* that anti-personnel landmines kill or maim hundreds of people every week, mostly innocent and defenceless civilians, obstruct economic development and have other severe consequences for years after emplacement, which include inhibiting the return and rehabilitation of refugees and internally displaced persons and the free movement of all persons;
- (b) *takes note* of the fact that the Movement and a growing number of States, international, regional and non-governmental organizations have undertaken to work urgently for the total elimination of anti-personnel landmines;
- (c) *noting* also that the ultimate goal of States is to achieve the eventual elimination of anti-personnel landmines as viable alternatives are developed that significantly reduce the risk to the civilian population;

- (d) *welcomes* the unilateral steps which some States have taken towards eliminating all types of anti-personnel landmines and the moratoria on the export of anti-personnel landmines instituted by many States, *urges* States that have not yet done so to take similar unilateral measures at the earliest possible date, and *encourages* all States to take further steps to limit transfers;
- (e) *regrets* that the Review Conference of States party to the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, held from 25 September to 13 October 1995, could not complete its work;
- (f) *urges* States party to the 1980 Convention and the Movement to redouble efforts to ensure that the resumed sessions of the above-mentioned Review Conference in 1996 result in strong and effective measures;
- (g) *urges* all States which have not yet done so to become party to this Convention and in particular to its Protocol II on landmines, with a view to achieving universal adherence thereto, and further *underlines* the importance of respect for its provisions by all parties to armed conflict;
- (h) *urges* all States and competent organizations to take concrete action to increase their support for mine-clearance efforts in affected States which will need to continue for many decades, to strengthen international cooperation and assistance in this field and, in this regard, to provide the necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective minefields, mines and booby traps, in accordance with international law;
- (i) *invites* the ICRC to continue to follow these matters in consultation with the International Federation and National Societies, and to keep the International Conference of the Red Cross and Red Crescent informed;

H. With regard to blinding and other weapons:

- (a) *recalling* Resolution VII of the 25th International Conference of the Red Cross concerning the work on international humanitarian law in armed conflicts at sea and on land;
- (b) *reaffirms* that international humanitarian law must be respected in the development of weapons technology;
- (c) *welcomes* the adoption by the above-mentioned Review Conference of a new fourth Protocol on blinding laser weapons as an important step in the development of international humanitarian law;

- (d) *emphasizes* the prohibition on the use or transfer of laser weapons specifically designed to cause permanent blindness;
- (e) *urges* States to declare themselves bound by the provisions of this Protocol at the earliest possible date and to ensure they have in place necessary national measures of implementation;
- (f) *welcomes* the general agreement achieved at the Review Conference that the scope of application of this Protocol should apply not only to international armed conflicts;
- (g) *requests* States to consider, for example at a subsequent Review Conference, further measures on the production and stockpiling of blinding laser weapons prohibited by this Protocol and *requests* that other issues, such as measures concerning compliance, should be further considered;
- (h) *underlines* that proper attention should be given to other existing conventional weapons or future weapons which may cause unnecessary suffering or have indiscriminate effects;
- (i) *concerned* about the threat to civilian shipping posed by free-floating naval mines, and *notes* that a proposal to deal with problems such as this has been under discussion;
- (j) *invites* the ICRC, in consultation with the International Federation and National Societies, to follow developments in these fields, in particular the expansion of the scope of application of the new fourth Protocol, and to keep the International Conference of the Red Cross and Red Crescent informed.

3

International humanitarian law applicable to armed conflicts at sea

The 26th International Conference of the Red Cross and Red Crescent, *recalling* Resolution VII of the 25th International Conference of the Red Cross, which called for further efforts as to the reaffirmation, clarification and development of international humanitarian law applicable to armed conflicts at sea,

noting the report by the International Committee of the Red Cross (ICRC) on this subject,

noting with satisfaction the efforts that have been made at the national level to draw up manuals specifying the content of international humanitarian law applicable to armed conflicts at sea,

particularly welcoming the completion of the *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*³ and its accompanying *Explanation*, and *appreciating* the efforts of the International Institute of Humanitarian Law of San Remo, the ICRC and the experts in the preparation of the *Manual* and the *Explanation*,

1. *urges* States that have not yet done so to draft manuals on international humanitarian law applicable to armed conflicts at sea;
2. *encourages* States to take into account, whenever possible, the provisions of the *San Remo Manual* when drafting manuals and other instructions for their naval forces;
3. *invites* the ICRC, the International Federation of Red Cross and Red Crescent Societies and the National Red Cross and Red Crescent Societies to promote knowledge of contemporary international humanitarian law applicable to armed conflicts at sea.

4

Principles and action in international humanitarian assistance and protection

The 26th International Conference of the Red Cross and Red Crescent,

conscious that the number of people in need of assistance as a result of disasters, and the number of refugees and internally displaced persons in need of assistance and protection, has increased dramatically over the past decade,

conscious of the International Red Cross and Red Crescent Movement's (Movement) unique position as a global, neutral and independent provider of assistance and protection to victims of disaster and war victims, benefiting from the complementarity of its components,

desirous to improve the framework in which humanitarian organizations, in particular the components of the Movement, perform their humanitarian activities, and *welcoming* the standing invitation to the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) to participate in the Inter-Agency Standing Committee of the United Nations convened by the Department of Humani-

³ See *IRRC*, No. 309, November-December 1995, pp. 595-637.

tarian Affairs, as a means of ensuring operational cooperation by humanitarian organizations in the delivery of humanitarian assistance,

recalling that, according to the Statutes of the Movement, each component of the Movement should respect at all times the Fundamental Principles enshrined in these Statutes (Fundamental Principles), and that States should at all times respect the Movement's adherence to the Fundamental Principles,

recalling that in situations of armed conflict refugees and internally displaced persons together with the remainder of the civilian population are protected by international humanitarian law and that, in addition, refugees are protected by the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol,

reaffirming the principle of non-refoulement,

taking note of Resolution 11 of the Council of Delegates of the Movement held in 1993 in Birmingham concerning the "Principles of Humanitarian Assistance", which *inter alia* reminded States of:

- the victims' right to receive humanitarian assistance,
- the States' duty to assist people who are placed under their authority or their obligation to authorize humanitarian agencies to do so, and
- the right of humanitarian agencies - abiding by the principles of humanity, neutrality, impartiality and independence - to have access to victims,

recalling Resolution XXI and the accompanying Statement of policy on aid to refugees adopted by the 24th International Conference of the Red Cross, and Resolution XVII on the Movement and refugees adopted by the 25th International Conference of the Red Cross,

recalling Resolution XXI on disaster relief in case of technical and other disasters adopted by the 25th International Conference of the Red Cross,

noting that religious and ethical values can foster respect for human dignity and the principles of international humanitarian law,

A. With regard to internally displaced persons and refugees:

1. *calls upon* States:

- (a) *to respect and ensure respect* for international humanitarian law, in particular the general prohibition of forced displacement of civilians, and *to respect* the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol, in particular the fundamental principle of non-refoulement, as well as other relevant regional instruments,

- (b) *to accede to*, for those States which have not already done so, and *to implement* fully the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol,
 - (c) *to provide* humanitarian assistance to internally displaced persons and to assist States having accepted refugees,
 - (d) *to ensure* efficient and adequate access to internally displaced persons and refugees for neutral, impartial and independent humanitarian organizations, in particular National Red Cross and Red Crescent Societies (National Societies), the ICRC and the International Federation, as well as other international organizations, in particular the United Nations High Commissioner for Refugees (UNHCR), according to their respective mandates, so that they may provide protection and humanitarian assistance to these persons,
 - (e) *to ensure* a rapid response to appeals by the ICRC, the International Federation, the National Societies and other international organizations for funding of emergency assistance and protection for refugees, internally displaced persons and returnees,
 - (f) *to renew* their support, through appropriate funding, for the provision of food aid and other supplies for humanitarian assistance to long-standing but unsolved refugee and displaced persons situations, keeping in mind the needs of the most vulnerable,
 - (g) *to recognize* that National Societies, the ICRC and the International Federation can play a vital role in providing protection and humanitarian assistance to internally displaced persons, refugees and returnees, in accordance with the relevant provisions of international humanitarian law;
2. *invites* the components of the Movement, in accordance with their respective mandates:
- (a) *to continue* to provide assistance and protection to, and to work with determination on behalf of and together with, internally displaced persons, refugees and returnees,
 - (b) *to devise and apply* innovative approaches to humanitarian response, including mechanisms for rapid action, based on effective mobilization and use of resources, which will enable them to provide timely and appropriate assistance for internally displaced persons and refugees, taking due account of the action of other humanitarian organizations,
 - (c) *to promote* conflict prevention through the promotion of humanitarian principles and values, as well as the dissemination of international humanitarian law, in particular at the community level,

- (d) *to stand ready* to work in the framework of international relief operations in accordance with the Statutes of the Movement,
 - (e) *to continue and promote* operational cooperation with the United Nations, including in particular the UNHCR, in a spirit of complementarity, as well as with other international humanitarian organizations, as appropriate;
3. *invites* National Societies:
- (a) *to continue*, in accordance with their status as auxiliaries to the public authorities in the humanitarian field, to offer their services to their governments, in order to respond to the needs of refugees, internally displaced persons and returnees,
 - (b) *to call upon* the resources of the ICRC and the International Federation to make effective use of the Movement's capacity when needs exceed the resources locally available,
 - (c) *to seek* efficient cooperation with other organizations, including non-governmental organizations (NGOs) and the United Nations, in particular the UNHCR, recalling the provisions of Resolution XXI of the 24th International Conference concerning International Red Cross aid to refugees, and in particular the provision on agreements between National Societies and the UNHCR;

B. With regard to natural and technological disasters:

- 1. *calls upon* States to take note of the guidelines on National Society involvement in technological disasters (Annex I of the background paper);⁴
- 2. *encourages* National Societies and the International Federation to intensify their activities in favour of the victims of natural and technological disasters, to develop their expertise in this field and to mobilize financial resources;

C. With regard to the Principles and Rules for Red Cross and Red Crescent Disaster Relief:

takes note of the revised Principles and Rules for Red Cross and Red Crescent Disaster Relief (Annex II of the background paper)⁵ and *calls upon* the components of the Movement to implement them;

⁴ See Annex III, pp. 89-101.

⁵ See Annex IV, pp. 102-112.

D. With regard to the need to build longer-term developmental perspectives into humanitarian assistance:

1. *calls upon* States:
 - (a) *to ensure* that their international relief funding policies allow for the strengthening of the operational capacities of recipient National Societies,
 - (b) *to explore* ways of encouraging a developmental approach to relief through their humanitarian assistance programming, and *to take note* in this context of Annex III of the background paper⁶,
 - (c) *to promote*, in international organizations of which they are members, including in particular the International Monetary Fund and the International Bank for Reconstruction and Development, the implementation of a development approach that takes into account emergency situations and humanitarian needs,
2. *calls upon* the International Federation and the ICRC to further develop tools and approaches in order to implement a more developmental approach to relief as well as to give due emphasis to the strengthening of Red Cross and Red Crescent structures, as outlined in the guidelines presented in Annex III of the background paper;

E. With regard to the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief:

1. *takes note of and welcomes* the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief (Annex IV of the background paper)⁷, and further;
2. *invites* all States and National Societies to encourage NGOs to both abide by the principles and spirit of the Code and consider registering their support for the Code with the International Federation;

F. With regard to the humanitarian consequences of economic sanctions:

1. *encourages* States to consider:
 - (a) *when designing, imposing and reviewing* economic sanctions, the possible negative impact of such sanctions on the humanitarian situation of

⁶ See Annex V, pp. 113-118.

⁷ See Annex VI, pp. 119-128.

the civilian population of a targeted State and also of third States which may be adversely affected by such measures,

- (b) *assessing* the short- and long-term consequences of United Nations-approved economic sanctions on the most vulnerable, and *monitoring* these consequences where sanctions have been applied,
 - (c) *providing*, including when subject to economic sanctions, and to the extent of their available resources, relief for the most vulnerable groups and the victims of humanitarian emergencies in their territories;
2. *calls upon* States to permit relief operations of a strictly humanitarian character for the benefit of the most vulnerable groups within the civilian population, when required by international humanitarian law;
 3. *calls upon* the ICRC, the International Federation and National Societies to contribute to the reduction of the undesirable side-effects of sanctions on the humanitarian situation of civilian populations, through assessing the impact thereof and providing relief to the most vulnerable persons, in accordance with their respective mandates;

G. *With regard to the need for independence of humanitarian action in times of crisis:*

1. *takes note* of the Movement's commitment to carrying out its humanitarian work in accordance with its Fundamental Principles, recognizing that humanitarian assistance and protection are primarily directed at the effects of humanitarian crises, not the causes;
2. *calls upon* States:
 - (a) *to recognize* the need for the Movement to maintain a clear separation between its humanitarian action, on the one hand, and actions of a political, military or economic nature carried out by governments, intergovernmental bodies and other agencies during humanitarian crises, on the other hand, bearing in mind the need for the Movement to maintain, in its humanitarian work, its independence, impartiality and neutrality,
 - (b) *to redouble* their efforts in the resolution and prevention of conflicts, peacekeeping, disaster preparedness and disaster mitigation, to which the humanitarian work of the Movement acts as a necessary complement,
 - (c) *to take note* that the security of the operations and personnel of the ICRC, the National Societies and the International Federation is based on their adherence to the Fundamental Principles and that they do not use armed

protection unless confronted with exceptional circumstances and not without the approval of the authority in control of the territory concerned,

- (d) *to fully respect* humanitarian operations and the personnel engaged therein, in all circumstances, and to take due precautions to refrain from acts that would endanger such operations and personnel.

5

Strengthening national capacity to provide humanitarian and development assistance and protection to the most vulnerable

The 26th International Conference of the Red Cross and Red Crescent,

recalling Article 2 of the Statutes of the International Red Cross and Red Crescent Movement (Movement), according to which each State shall promote the establishment on its territory of a National Red Cross or Red Crescent Society (National Society) and encourage its development, and respect adherence by all the components of the Movement to the Fundamental Principles,

recalling, furthermore, the aims and content of resolutions XXV and XXII of, respectively, the 24th and 25th International Conference of the Red Cross on, respectively, the “Development of National Societies in the context of national development plans” and “Development of National Societies as a Contribution to National Development”, and the background papers supporting these resolutions,

recognizing the major role played at the local, national and international levels by all components of the Movement in disaster preparedness and relief, as well as the range of service and development programmes carried out by National Societies, notably in the health, social welfare and blood sectors,

recognizing that the combined resources of National Societies represent a great force for promoting human betterment and the further development of civil society at a time when numerous social and economic trends are having a negative impact on the quality of life of the most vulnerable sections of the population of some countries,

acknowledging nevertheless that wide disparities exist between the relatively small number of National Societies that possess substantial capacity and financial resources and the many that do not,

taking note of the background paper and the deliberations on the subject of strengthening the Movement’s capacity to assist and protect the most vulnerable people,

1. *calls upon* States
 - (a) *to reaffirm* the mandate of National Societies as autonomous humanitarian organizations auxiliary to their governments and as institutions that play a special role in enhancing respect for humanitarian values and human dignity,
 - (b) *to recognize* the need for National Societies to maintain their independence and autonomy of action in order to act in accordance with the Fundamental Principles and the values that they stand for, and *to respect* the National Societies' right to adjust their statutes, in accordance with national legislation, whenever they deem it necessary in order to improve their functioning,
 - (c) *to make better use* of the potential of National Societies as cost-effective providers of health care, social services and emergency assistance for the most vulnerable, and *to recognize* that National Societies will need to develop new ways, including systems of cost recovery, to fund work carried out in cooperation with the public authorities,
 - (d) *to recognize* the specific role of the National Society of their country in disaster preparedness and tracing services, ensuring that it has a clearly defined role in the context of the country's overall disaster preparedness plans,
 - (e) *to help* create a beneficial environment for the overall development of National Societies in their own countries, by providing, for example, financial and fiscal benefits or other arrangements that recognize the not-for-profit nature of the National Societies and their role as auxiliaries to the public services,
 - (f) *to support* the development of the global network of National Societies by providing adequate financial resources to development cooperation programmes in order to address the needs of the growing number of the most vulnerable populations, both in normal times and in times of disaster,
 - (g) *to support* the efforts of all components of the Movement, according to their respective mandates, to assist in the development of National Societies;
2. *calls upon* all components of the Movement to continue their support towards the development of a network of National Societies, in accordance with their agreed coordination mechanisms, and *notes with appreciation* the efforts made in institutional, resource and programme development by National Societies and the International Federation of Red Cross and Red Crescent

Societies (International Federation), and the complementary efforts of the International Committee of the Red Cross (ICRC) concerning National Societies' preparations for their role in a conflict situation;

3. *calls upon* the International Federation and the ICRC, in cooperation with National Societies, to draw up a model law of recognition of a National Society suitable for adaptation to individual national requirements, and present it to the 27th International Conference;
4. *calls upon* the States concerned and the International Federation, in cooperation with the ICRC, to promote in every country the establishment and development of an independent National Society, in order to meet the statutory conditions for recognition, and the subsequent admission to membership of the International Federation of National Societies which do not have full membership;
5. *calls upon* the International Federation, in the spirit of its Strategic Work Plan for the Nineties, to vigorously strengthen National Societies and the cooperation between them;
6. *calls upon* the National Societies to search constantly for new means to strengthen their own capacity to identify and assist the most vulnerable, and to share experience and resources with other National Societies, so as to maximize the capacity of the Movement as a whole;
7. *requests* the International Federation, in cooperation with the ICRC, to report to the 27th International Conference on the action and the principal measures taken to implement this resolution on the basis of information received from National Societies and States.

6

Election of the members of the Standing Commission of the Red Cross and Red Crescent

The 26th International Conference of the Red Cross and Red Crescent, *elects* the following as members of the Standing Commission of the Red Cross and Red Crescent:

- (a) HRH Princess Margriet of the Netherlands (The Netherlands Red Cross);
- (b) Mrs Christina Magnuson (Swedish Red Cross);
- (c) Dr Guillermo Rueda Montaña (Colombian Red Cross);
- (d) Mr Tadateru Konoe (Japanese Red Cross Society);
- (e) Dr Byron R. Hove (Zimbabwe Red Cross Society).

7

**Amendment to the Statutes and Rules of Procedure of the
International Red Cross and Red Crescent Movement**

The 26th International Conference of the Red Cross and Red Crescent,
adopts, in conformity with Article 20 of the Statutes and with immediate
effect, the amendment to the Statutes and the Rules of Procedure of the Inter-
national Red Cross and Red Crescent Movement presented in document 95/P.II/
4/1, whereby the name of the League of Red Cross and Red Crescent Societies
in these Statutes and Rules is changed to the International Federation of Red Cross
and Red Crescent Societies.⁸

8

**Date and place of the 27th International Conference
of the Red Cross and Red Crescent**

The 26th International Conference of the Red Cross and Red Crescent,
decides to hold the 27th International Conference in 1999, the date and place
to be decided by the Standing Commission of the Red Cross and Red Crescent.

⁸ See Annex VII, pp. 129-130.

**FINAL DECLARATION
OF THE INTERNATIONAL CONFERENCE FOR THE
PROTECTION OF WAR VICTIMS¹**

(Geneva, August 30-September 1, 1993)

The participants in the International Conference for the Protection of War Victims, held in Geneva from August 30 to September 1, 1993, solemnly declare the following:

I

1. We refuse to accept that war, violence and hatred spread throughout the world, and fundamental rights of persons are violated in an increasingly grave and systematic fashion. We refuse to accept that wounded are shown no mercy, children massacred, women raped, prisoners tortured, victims denied elementary humanitarian assistance, civilians starved as a method of warfare, obligations under international humanitarian law in territories under foreign occupation not respected, families of missing persons denied information about the fate of their relatives, populations illegally displaced, and countries laid to waste.
2. We refuse to accept that, since war has not been eradicated, obligations under international humanitarian law aimed at limiting the suffering caused by armed conflicts are constantly violated. We vigorously condemn these violations which result in a continued deterioration of the situation of persons whom the law is intended to protect.
3. We refuse to accept that civilian populations should become more and more frequently the principal victim of hostilities and acts of violence perpetrated in the course of armed conflicts, for example where they are intentionally targeted or used as human shields, and particularly when they are victims of the odious practice of "ethnic cleansing". We are alarmed by the marked increase in acts of sexual violence directed notably against women and children and we reiterate that such acts constitute grave breaches of international humanitarian law.
4. We deplore the means and methods used in the conduct of hostilities which cause heavy suffering among civilians. In that context we reaffirm our

¹ See also *IRRC*, No. 296, September-October 1993, pp. 377-381.

determination to apply, to clarify and, where it is deemed necessary, to consider further developing the existing law governing armed conflicts, in particular non-international ones, in order to ensure more effective protection for their victims.

5. We affirm the necessity to reinforce, in accordance with international law, the bond of solidarity that must unite mankind against the tragedy of war and in all efforts to protect the victims thereof. In that spirit, we support peaceful bilateral and multilateral initiatives aimed at easing tensions and preventing the outbreak of armed conflicts.
6. We undertake to act in cooperation with the UN and in conformity with the UN Charter to ensure full compliance with international humanitarian law in the event of genocide and other serious violations of this law.
7. We demand that measures be taken at the national, regional and international levels to allow assistance and relief personnel to carry out in all safety their mandate in favour of the victims of an armed conflict. Stressing that peace-keeping forces are bound to act in accordance with international humanitarian law, we also demand that the members of peace-keeping forces be permitted to fulfil their mandate without hindrance and that their physical integrity be respected.

II

We affirm our responsibility, in accordance with Article I common to the Geneva Conventions, to respect and ensure respect for international humanitarian law in order to protect the victims of war. We urge all States to make every effort to:

1. Disseminate international humanitarian law in a systematic way by teaching its rules to the general population, including incorporating them in education programmes and by increasing media awareness, so that people may assimilate that law and have the strength to react in accordance with these rules to violations thereof.
2. Organize the teaching of international humanitarian law in the public administrations responsible for its application and incorporate the fundamental rules in military training programmes, and military code books, handbooks and regulations, so that each combatant is aware of his or her obligation to observe and help enforce these rules.
3. Study with utmost attention practical means of promoting understanding of and respect for international humanitarian law in armed conflicts in the event that State structures disintegrate so that a State cannot discharge its obligations under that law.

4. Consider or reconsider, in order to enhance the universal character of international humanitarian law, becoming party or confirming their succession, where appropriate, to the relevant treaties concluded since the adoption of the 1949 Geneva Conventions, in particular:
 - the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (Protocol I);
 - the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977 (Protocol II);
 - the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols;
 - the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.
5. Adopt and implement, at the national level, all appropriate regulations, laws and measures to ensure respect for international humanitarian law applicable in the event of armed conflict and to punish violations thereof.
6. Contribute to an impartial clarification of alleged violations of international humanitarian law and, in particular, consider recognizing the competence of the International Fact-Finding Commission according to Article 90 of Protocol I mentioned in Part II, paragraph 4 of this Declaration.
7. Ensure that war crimes are duly prosecuted and do not go unpunished, and accordingly implement the provisions on the punishment of grave breaches of international humanitarian law and encourage the timely establishment of appropriate international legal machinery, and in this connection acknowledge the substantial work accomplished by the International Law Commission on an international criminal court. We reaffirm that States which violate international humanitarian law shall, if the case demands, be liable to pay compensation.
8. Improve the coordination of emergency humanitarian actions in order to give them the necessary coherence and efficiency, provide the necessary support to the humanitarian organizations entrusted with granting protection and assistance to the victims of armed conflicts and supplying, in all impartiality, victims of armed conflicts with goods or services essential to their survival, facilitate speedy and effective relief operations by granting to those humanitarian organizations access to the affected areas, and take the appropriate measures to enhance the respect for their safety, security and integrity, in conformity with applicable rules of international humanitarian law.

9. Increase respect for the emblems of the red cross and red crescent as well as for the other emblems provided for by international humanitarian law and protecting medical personnel, objects, installations and means of transport, religious personnel and places of worship, and relief personnel, goods and convoys as defined in international humanitarian law.
10. Reaffirm and ensure respect for the rules of international humanitarian law applicable during armed conflicts protecting cultural property, places of worship and the natural environment, either against attacks on the environment as such or against wanton destruction causing serious environmental damage; and continue to examine the opportunity of strengthening them.
11. Ensure the effectiveness of international humanitarian law and take resolute action, in accordance with that law, against States bearing responsibility for violations of international humanitarian law with a view to terminating such violations.
12. Take advantage of the forthcoming Conference for the review of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and the three Protocols thereto, which provides a platform for wider accession to this instrument, and to consider strengthening existing law with a view to finding effective solutions to the problem of the indiscriminate mines whose explosions maim civilians in different parts of the world.

With this Declaration in mind, we reaffirm the necessity to make the implementation of international humanitarian law more effective. In this spirit, we call upon the Swiss Government to convene an openended intergovernmental group of experts to study practical means of promoting full respect for and compliance with that law, and to prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent.

*
* * *

In conclusion we affirm our conviction that, by preserving a spirit of humanity in the midst of armed conflicts, international humanitarian law keeps open the road to reconciliation, facilitates the restoration of peace between the belligerents, and fosters harmony between all peoples.

Meeting of the Intergovernmental Group of Experts for the Protection of War Victims¹

(Geneva, 23-27 January 1995)

RECOMMENDATIONS

I

The Experts recommend that:

- the International Committee of the Red Cross (“the ICRC”) continue its dialogue with States with a view to promoting their adherence to international humanitarian law (“IHL”) the instruments and assisting them in dealing with issues that arise in this respect;
- the Depositaries of IHL instruments appeal to States not party to adhere to such instruments, carry out appropriate promotional activities for that purpose and publish periodically, e.g. in the *International Review of the Red Cross* and other public sources of information, the list of States Parties;
- in their regular programme of activities, the competent organs of the UN and other intergovernmental organizations, universal and regional, encourage States to adhere to specific IHL instruments;
- the States Parties to IHL instruments support the efforts of the ICRC, the Depositaries and the organizations mentioned above, to promote adherence to such instruments;
- the States Parties that have recognized the competence of the International Humanitarian Fact-Finding Commission established under Article 90 of Additional Protocol I to the 1949 Geneva Conventions (“Protocol I”) support, where appropriate, the Commission’s efforts to promote recognition of its competence; and that voluntary contributions be encouraged to increase the Commission’s funds available for that purpose;
- States consider availing themselves of the services of National Red Cross and Red Crescent Societies (“the National Societies”) and national committees referred to in Chapter V in the process of adhering to pertinent IHL instruments.

¹ See also *IRRC*, No. 304, January-February 1995, pp. 33-38.

II

The Experts recommend that:

- the ICRC be invited to prepare, with the assistance of experts in IHL representing various geographical regions and different legal systems, and in consultation with experts from governments and international organizations, a report on customary rules of IHL applicable in international and non-international armed conflicts, and to circulate the report to States and competent international bodies.

III

The Experts recommend that:

- the ICRC, with the assistance of National Societies, the International Federation of Red Cross and Red Crescent Societies (“the International Federation”) and academic institutions, strengthen its capacity to provide advisory services to States, with their consent, in their efforts to implement and disseminate IHL;
- States and National Societies indicate to the ICRC or, as appropriate, to the International Federation the specific needs they may have for such advisory services;
- the ICRC submit reports on its advisory services to the States parties to the 1949 Geneva Conventions and other interested bodies on an annual basis, and to the International Conference of the Red Cross and Red Crescent (“the Conference”).

IV

The Experts recommend that:

- the ICRC, in carrying out its mandate to disseminate IHL, work together, wherever possible, with other interested bodies including the International Federation, UN organs and specialized agencies, and regional organizations;
- States, on a regional and global basis, promote exchanges of information on dissemination and implementation of IHL;
- the ICRC prepare, in cooperation with experts from various geographical regions, a model manual for armed forces on the law of international and non-international armed conflicts;
- States produce national manuals on the law of armed conflicts, use them as an integral part of military training, and, where possible, consult among themselves with a view to harmonizing such manuals;

ANNEX II

- States increase their efforts, at national and international levels, to train civilian and military instructors in IHL, and to train in that law the members of civilian administrations, armed forces, security forces and paramilitary forces, and members of armed forces engaged in international peacekeeping operations, according to their specific ranks and functions;
- States, where appropriate with the assistance of National Societies, increase the civilian population's awareness of IHL, thus contributing to the dissemination of a culture based on respect for the individual and human life, in all circumstances;
- States, in collaboration with National Societies, take advantage of the celebration of World Red Cross and Red Crescent Day to promote the dissemination of IHL;
- States, where appropriate with the assistance of National Societies and academic institutions involved in public education, make every effort to produce specific programmes and teaching materials designed to imbue students of all ages with the principles of IHL and make those programmes available to interested States;
- States, the ICRC, National Societies and the International Federation, encourage the production of audiovisual materials and the organization of seminars in order to heighten awareness of IHL issues among representatives of the national and international media;
- the ICRC and States make efforts to provide technical assistance in order to ensure that basic documents of IHL are widely available in national languages;
- the Conference note that religious and ethical values foster respect for human dignity and the principles of IHL.

V

The Experts recommend that:

- States be encouraged to create national committees, with the possible support of National Societies, to advise and assist governments in implementing and disseminating IHL;
- States be encouraged to facilitate cooperation between national committees and the ICRC in their efforts to implement and disseminate IHL;
- the ICRC organize a meeting of experts from States having already established national committees and from other interested States, and report on

the meeting's conclusions to States interested in the establishment of such committees.

VI

The Experts recommend that:

- States, in order to comply with their commitments in this regard under IHL instruments,
 - be invited by the Conference to provide to the ICRC any information which might be of assistance to other States in their efforts to disseminate and implement IHL;
 - make every effort to participate in the fullest possible exchange of information on the measures that they have taken to implement their obligations under IHL instruments;
- the ICRC, in order to facilitate these measures,
 - continue to participate actively in efforts to disseminate and implement IHL;
 - be encouraged to draw up guidelines, from time to time, for the purpose of enhancing the exchange of information;
 - collect, assemble and transmit the information provided to States and to the Conference.

VII

The Experts recommend that:

- States, in order to fulfil their basic obligation to respect and ensure respect for IHL in all circumstances, and taking into account, in particular, the vulnerability of civilian populations, and the responsibility of States which violate IHL,
 - act, jointly or individually, in situations of serious violations of IHL, in cooperation with the United Nations and in conformity with the United Nations Charter;
 - establish, wherever possible, and in conformity with IHL, safety zones, demilitarized zones, humanitarian corridors and other forms of protection for civilian populations, in situations of armed conflict, and cooperate to ensure respect for decisions adopted by the competent UN organs to that end, in accordance with the UN Charter;

- enact and rigorously implement whatever legislation is necessary to give effect to their obligations to ensure that those who commit, or order to be committed, violations of IHL do not go unpunished; and afford one another the greatest measure of assistance in criminal proceedings, including the provision of evidence and information from relevant sources, e.g. refugees;
- participate actively in the ongoing discussions within the UN on the establishment of a permanent international criminal court, and implement all national measures to ensure the functioning of the ad hoc tribunals for the former Yugoslavia and Rwanda established by the UN Security Council;
- cooperate with relevant international and regional intergovernmental organizations and, if they so wish, the International Humanitarian Fact-Finding Commission established under Article 90 of Protocol I, in conducting enquiries into violations of IHL, including by providing them, whenever possible, with funds, experts or logistical support;
- the Depositary organize periodical meetings of the States parties to the 1949 Geneva Conventions to consider general problems regarding the application of IHL.

VIII

The Experts call upon the ICRC:

- (a) to analyse measures which could ensure, *inter alia*,
 - universal respect for IHL, particularly as it relates to civilians who are more and more often the victims of the use of means and methods of war consisting of systematic and large-scale killings by any armed groups, of “ethnic cleansing” and of other violations of IHL in any armed conflict;
 - full protection for women and children from violations of IHL, taking into account any contribution on these subjects which might be available, in particular from the 1995 World Conference on Women and from relevant UN organizations, including UNICEF and UNHCR;
 - full protection of the rights of refugees and of displaced persons from violations of IHL and the 1951 Convention relating to the status of refugees and its Protocol, taking into account any information which might be available, in particular from UNHCR;
- (b) to examine situations where State structures have disintegrated as a result of non-international armed conflicts;

- (c) to examine, on the basis of first-hand information available to it, the extent to which the availability of weapons is contributing to the proliferation and aggravation of violations of IHL in armed conflicts and the deterioration of the situation of civilians;
 - (d) to prepare, in collaboration with the International Federation, a draft recommendation for consideration by the Conference, encouraging voluntary contributions to support programmes for the dissemination and implementation of IHL, with particular emphasis on the protection of war victims.
-

**THE ROLE OF THE RED CROSS
AND RED CRESCENT SOCIETIES
IN RESPONSE TO
TECHNOLOGICAL DISASTERS**

**International Federation
of Red Cross and Red Crescent Societies**

Geneva

PREAMBLE

The objective of this document is to describe the effects of technological disasters, notably chemical and nuclear disasters, and the appropriate roles of, and actions by, National Societies

The policy-making bodies of the National Societies are the main target group.

Like any global document, it deals with generalities. Its conclusions need to be judged against the situation of each National Society.

1. Executive Summary

In recent years the world has seen an increase in the number of technological accidents and disasters, accompanied by deaths, material losses and dangerous environmental pollution. Several conditions may lead to a further increase in the vulnerability of populations to technological disasters.

Technological disasters are defined here as resulting from the release of chemical or nuclear material or ionizing radiation into the environment (disasters as a result of the use of chemical or nuclear weapons are not considered in this document).

Although every disaster — be it natural, technological or conflict — is unique in itself, technological disasters may create an extra dimension. In almost every country in the world chemical and/or nuclear material is used, yet the probability of technological disasters occurring is very dependent on human factors.

Unlike many naturally triggered disasters, the occurrence of technological disasters cannot be predicted. This type of disaster may happen everywhere and at any time. Minor technological incidents can turn suddenly into major accidents and disasters. All of a sudden, communities — even in countries far away from the actual site of the disaster — may become *involved as* victim of this disaster. The Bhopal chemical disaster and the Chernobyl nuclear disaster are striking examples.

At several international meetings (e.g. the International Conference of the Red Cross in 1986 and the Regional Conference of European National Red Cross and Red Crescent Societies in 1992) participation of National Societies in relief activities for the victims of technological disasters was recommended.

But, what should be the role of the Federation (National Societies, the Secretariat and the delegations) in another “Bhopal” or “Chernobyl”? What can National Societies do and what can they not do? For instance, are National Societies able to work in contaminated areas? Do National Societies have to limit themselves to their traditional roles or are they able to take up new roles? How should National Societies prepare themselves for technological disasters and what kind of support can be given by the Secretariat?

The document gives information about the different aspects of technological disasters, their potential risks on the health of the affected population, aspects of relief operations and the possible roles of the National Societies and the Federation’s Secretariat. In the annexes some background information about technological disasters is given.

It is recommended that National Societies should only work in sectors where they have, or can build, competence, and where they can provide auxiliary support and additionality to the disaster response system.

2. Why should the Federation be concerned with technological disasters?

In 1986 the Twenty-fifth International Conference of the Red Cross adopted the resolution “Disaster relief in case of technical and other disasters” (Resolution XXI). In this resolution the participants of the Conference recommended that “the League and the Henry Dunant Institute undertake a study concerning the possibilities and the necessities of improved assistance from the Movement in case of technical and other disasters”. After the 1989 General Assembly a “Study on the role of the National Societies in the event of technological disaster” was started. This present document is a direct result of the Study.

In recent years the world has seen an increase in the number of technological accidents and disasters, accompanied by deaths, material losses and dangerous

environmental pollution. At any time technological incidents can turn suddenly into major accidents and disasters. Damaging situations of this kind can also occur below the threshold of disaster, which require immediate and preventive action on the part of all agencies called upon to help. Immediate action may prevent a (major) accident from becoming a real disaster.

The effects of major accidents and disasters may — independently of where they occur in one State — spread to the territory of other States. These kind of accidents and disasters require special and additional measures of prevention, assistance and mutual information and support, which must be planned and carried out both by States and by (inter-)national organizations.

Rapid industrial growth in developing countries combined with (often imported) new technology, lack of legislation, inadequate supervision of safety procedures by public authorities and the lack of or insufficient training of local workers are some conditions for an increasing risk for technological disasters.

Developed countries are faced with outdated nuclear and chemical installations and in industrial States with rapidly changing social and political systems there is often little chance of these installations being renovated or rebuilt.

In almost all countries of the world many people live in close proximity to chemical or nuclear installations, often forced to do so due to poverty or ignorance of the danger. Moreover, millions live near rivers, railways and roads, along which chemical or nuclear materials are transported.

Nuclear and chemical disasters are “cross-border” disasters. People living in neighbouring countries (and sometimes even in countries which are much further away) may become victims of technological disasters. Any of these conditions may lead to an increasing vulnerability of the population to technological disasters.

Based on the Fundamental Principles, the International Federation of Red Cross and Red Crescent Societies endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found.

From the humanitarian perspective, the cause of any disaster - be it technological, natural or conflict - is of secondary importance. What is important is that Red Cross/Red Crescent actions, as described in the Strategic Work Plan for the Nineties, should seek to assist the most vulnerable and reduce their future vulnerability. Furthermore, like any professional organization, the Federation should work in sectors where it has, or can build, competence, and where it can provide auxiliary support and additionality to the disaster-response system.

The objective of this document is to describe the potential risks of technological disasters, notably chemical and nuclear disasters, and the appropriate roles of, and actions by, National Societies.

Like any global document, it deals with generalities. Its conclusions need to be judged against the situation of each National Society.

The document is a tool to help National Societies:

- to understand the diversity and nature of technological disasters,
- to decide whether involvement in technological disaster response is a priority for them, and
- (if it is a priority) to decide upon the role they may play in technological disaster response.

Comments on the documents and suggestions to improve the support by the Federation's Secretariat and Delegations in technological disasters are welcomed and should be addressed to the Federation's Secretariat in Geneva.

3. Some considerations about technological disasters

Technological disasters are defined here as resulting from the release of chemical or nuclear material or ionizing radiation into the environment.

The probability of technological disasters occurring is very dependent on human factors. The nature of technological disasters means that the technology and procedures to deal with them are often improvised on an ad-hoc basis for each disaster that occurs. Responses to technological disasters in impoverished countries remain severely limited due to lack of resources, and the failure of those who impart technology to the developing world. This places them outside the scope of most countries' disaster preparedness plans.

Technological disasters may have both a short- and a long-term impact on people and the environment. The short-term impact on people happens immediately or within a few days after a disaster, for example injuries (wounds and burns), poisoning, and radiation disease.

Often people have questions about the long-term impact of the incident with regard to their future health or well-being. These questions have to do with the possibility of mutagenic or carcinogenic effects and possible genetic defects in their offspring. It must be clear how future exposure to contaminating agents will be stopped or limited to safe levels.

Radio-active particles, gases and aerosols are carried by air. Often, this material is spread over a large area. After the Chernobyl disaster radio-active material was found as far afield as northern Canada. Such aerial pollution is impossible to contain once the hazardous substance has been released, though dilution of the pollutants will depend upon the prevailing meteorological situation (e.g. in a coastal area with strong winds gases will be diluted in a quicker way

than in areas without wind). The hazardous material may affect people mostly not with direct effects but with questions and fear.

Radioactive particles and liquid or solid chemical substances may come into the water and be carried by it or dissolved by it. Toxic effects on people are possible when contaminated water is ingested.

Also hazardous material can be stored in soil. Usually the exposure will not be in a range where immediate health effects can be expected. However — especially with contaminated food products — preventive levels can be exceeded.

Short- and/or long-term contamination of organisms living in the water is possible. The hazardous material will enter the food-chain. For instance, fish living in contaminated rivers will ingest or absorb the toxic material. The toxic material may cumulate in the fish; eating contaminated fish may result in an increased body burden. A well-known example is the accumulation of mercury in fish. Persistence and accumulation of pollutants in ground water is also possible. The effects on people may not be caused by the same substance as the short- and long-term effects on the environment. The disaster in Schweizerhalle (Switzerland) for example had some minor short-term effects on people from the gases released at the explosion, but the effects on the environment were caused by the chemicals released into the river.

Some disasters have short- and long-term effects on the environment but do not affect people directly.

4. Risks of technological disasters

4.1 Health risks of chemical disasters

The risk of acute exposure to chemical agents is not limited to people living in the vicinity of chemical installations or storage facilities. During the transport of chemical substances by road, rail or water accidents may happen, whereby people can face a direct threat. Moreover, during the disaster relief operation relief workers can be affected when no proper protective measures have been taken.

Exposure to chemical agents can be jeopardized by the release of combinations of chemical agents or the release of pyrolytic or combustion products due to heating. In such situations, victims with different or combined injuries can be found. For instance, in case of fires, people with burns will be found, explosions will result in mechanical traumas, and poisonous gases can result in respiratory problems.

Various situations may lead to the release of chemical agents:

- manufacturing, processing or storage accidents;

- transport accidents;
- accidents during use of chemicals (e.g. by ignorance of used substances, handling error, inadequate mixture or storage);
- natural catastrophes and armed conflicts leading to damage or destruction of chemical installations.

4.2 Health risks of nuclear disasters

The risk of acute exposure to nuclear radiation is also not limited to people living in the vicinity of nuclear installations or storage facilities. People living along roads, railways or rivers and relief workers can be affected.

Contrary to mechanical and chemical injuries, acute life-threatening situations will occur very rarely after exposure to ionizing radiation, although in combination with other injuries (e.g. due to an explosion) obviously acute life-threatening situations may occur. Treatment of vital injuries has a higher priority than evaluation of possible radiation injuries.

Only in case of an explosion and/or big fire in a nuclear reactor, one may expect a large group of people with an acute radiation disease.

Various situations may lead to the release of radioactive material:

- accidents with nuclear installations like nuclear reactors;
- accidents with radioactive sources (e.g. during transport). These sources can be divided into open sources and closed sources. From an open source radioactive material can leak; over-radiation may occur by closed sources.

People can be exposed to:

- external irradiation (whole body or parts of body);
- external contamination (radioactive particles on the skin or clothes);
- internal contamination (by inhalation, ingestion, or injection through wounds).

4.3 Psychological and social effects

The psychological effects of a disaster are normal reactions to an abnormal event. This is very important to know for people struck by a disaster. The various symptoms of the psychological effects can be very different from one person to another.

The maximum of the psychosocial disruption will emerge from disasters characterized by:

- suddenness;
- high uncertainty;
- prolonged duration;
- broad scope of physical destruction, death and injury;
- occurrence at night;
- massive exposure of survivors to dead and badly injured individuals.

If the affected people do not get help and support in their suffering, the psychological problems may increase and lead to serious psychological and physical diseases which have consequences for the social life and welfare of the family and community.

Long-term psychological effects may have a serious impact on a community. People unable to work as a consequence of their psychological illness may find it hard to feed their families and earn their living. Others may face a destroyed life and an uncertain future and may have difficulty in finding the will to go on.

To reduce suffering and aid recovery it is vital that relief agencies are able to identify those who are affected and contribute to their psychosocial recovery.

An appropriate and timely psychological support may help to avoid some of these psychological effects. It is important to provide informed humanitarian support based on a knowledge of common human needs rather than relying solely upon complex mental health interventions by specialists.

5. Relief actions in technological disasters

General

A toxic gas-release has a great and most sudden impact on many people. Therefore the emergency response to these chemical accidents must be very fast. (Liquid or solid chemical material spread by water or soil allow more response time and usually do not have a major impact on people. More often they cause long-term effects on the environment.) In addition to the toxic effects, victims may have injuries caused by fire or explosion.

Chemical and radioactive material can be spread over large areas. However, the problem with chemical agents is that it is quite difficult to detect them.

Contaminated zone

Experts **must** evaluate the situation and analyse the nature and concentration of the hazardous material involved as quickly as possible and make recommendations on protective measures for the relief workers and the affected population (e.g. evacuation of the population). Based on the level of radiation the experts decide how long relief workers may stay in the contaminated area. Protective measures for relief workers include protective gloves and/or clothes and gasmasks.

In addition to the presence of chemical material, risks of explosion and lack of oxygen may exist.

Decontamination zone

Before people from the contaminated zone are allowed to enter the safe zone, they have to be decontaminated in order to prevent the spread of chemical material. Decontamination can be done by removing contaminated clothes, and by cleansing with water and soap. (Major problems in a decontamination procedure are the availability of and the access to water; in the “cold areas” decontamination may even lead to hypothermia).

6. Possible role of the Red Cross and Red Crescent Societies

6.1 General

Primary responsibility for the prevention of disasters, assistance to victims and reconstruction must remain the domain of public authorities, even in the most underdeveloped countries. While most industrialized countries have an extensive civil defence infrastructure, countries in the developing world frequently lack the capability from both expertise and resource standpoint to fulfil this crucial role.

The role of an operating National Society has to be seen in the light of its national context, e.g. limitations within national legislation and the Fundamental Principles. Most of the roles are not unique for technological disasters, but are applicable for all types of disasters. For instance, is there any difference whether evacuees come from an area stricken by e.g. a flood or by a nuclear disaster. The strength of National Societies lies in their constant readiness for rapid action and the flexibility of the various forms of assistance. The best possible preparedness — be it for natural or technological disasters — should be maintained. This is in clear accordance with the traditional role of National Societies.

It is recommended that National Societies should work only in sectors where they have, or can build, competence, and where they can provide auxiliary support and additionality to the disaster response system.

6.2 Prevention

Raising awareness

Technological disasters are a threat to humanity just like the risk of mass starvation or war. National Societies may consider playing a role in increasing people's knowledge about technological hazards to which they may be exposed. People should be informed about technological risks in their region, by evaluating the dangers resulting from chemical or nuclear installations, by providing information and consultation to interested and worried people and by collecting addresses of voluntary local experts (toxicologists, doctors, technicians, fire-fighters etc.).

Advocacy role

The Federation seeks to assist the most vulnerable and to reduce their future vulnerability. This can be done through advocacy and lobbying as well as direct actions.

For instance:

- Defending the rights of the most vulnerable individuals and groups by lobbying for safety measures in hazardous industries in order to achieve better working and living conditions and for strict environmental and housing rules for people living in the vicinity of chemical or nuclear installations;
- Urging the government to establish and to test regularly emergency plans for technological disasters.

6.3 Relief and rehabilitation

6.3.1 Operating National Society

First aid and transport of injured

In addition to the standard knowledge about first aid, first aid workers have to know how to work in an area with chemical or nuclear contamination, unless the First Aid activities take place only in safe zones. Working in contaminated areas also means that First Aid workers have to know how to use protective clothes etc. Finally they have to know the basic principle of triage.

Working in areas contaminated by chemical or radioactive material or radiation can only take place when certain conditions can be fulfilled. Experts should be present to evaluate the level of contamination and to give recommendations about protection for the First Aid workers. Also decontamination facilities should be available. Rehearsals of working in contaminated areas should take place very regularly.

Before taking a decision whether the National Society should or should not work in contaminated areas, some ethical questions have to be answered. For instance, what to do when it is not clear that an area is contaminated because of a lack of reliable measurement results? And what to do when no protective clothes will be available for their First Aid workers? Do we leave the patients where they are or do we send our volunteers to help while knowing that they might become victims themselves?

Social services

A second traditional activity of National Societies is in the provision of social services to the most vulnerable in a disaster (e.g. distribution of food and clothes and sheltering). Experiences from Chernobyl and other (technological) disasters have shown that psychosocial support to the disaster victims is also of tremendous importance throughout the relief operation.

Rehabilitation

National Societies can take care of victims of disasters with long-term health and psychological effects. They may organize relief programmes to help the affected population in order to return to a normal life by integrating the affected people into ongoing health programmes of the country or the Society.

Tracing

Many people might be evacuated to safer places. Families will be split up in the havoc. Tracing family members will have a positive psychological impact.

Information during and after the disaster

Clear and reliable information to the victims of the disaster helps to reduce the psychological effects of the emergency. National Societies should try to establish their own sources and expertise for the independent gathering of information in the disaster area.

Not only during the disaster is it important to give people reliable information, but also (even many years) after the disaster. Many scientific programmes monitor the affected population without giving individual feedback to the persons examined; this may lead to the impression of being used as guinea pigs. The Chernobyl Programme run by the Belorussian, the Russian and the Ukrainian Red Cross Societies and supported by the Federation checks and immediately informs the affected population whether late effects of nuclear radiation have been discovered and how nuclear contamination can be prevented.

6.3.2 Participating National Society

The role of Participating Societies in technological disasters is in itself not unique, but may be the same as for all types of disasters. Participating National Societies should focus on material and financial support. Examples of material support are shelter materials for evacuees and water supply systems. Due to the response time it is not opportune to send experts to the disaster stricken country. Moreover, it is the primary responsibility for the public authorities and the intergovernmental organizations to send these experts.

6.4 Federation's Secretariat

Also the role of the Federation's Secretariat in technological disasters is not unique, but is in principle the same as for all types of disasters.

In addition to its coordination role, the Secretariat should be able to support National Societies in preparing for technological disasters (e.g. guidelines for First Aid to victims of technological disasters).

The Federation may create a "Reference Centre for Technological Disasters", operated by the Federation's Secretariat or hosted by a National Society. This Centre will collect and distribute information related to prevention and relief of technological disasters.

7. Acknowledgement

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ANNEXES

RESOLUTION XXI "DISASTER RELIEF IN CASE OF TECHNICAL AND OTHER DISASTERS"

(Adopted at the final plenary meeting of the XXVth International Conference of the Red Cross, 1986)

The Twenty-fifth International Red Cross Conference,

recognizing that technological developments in many areas constantly progress and that many States carry out nuclear activities,

being aware that in the development and application of existing and new technologies it cannot be totally excluded that at any time technical incidents can

turn suddenly into serious accidents and disasters, which directly endanger the health and life of a great number of people,

recognizing that damaging situations of this kind can also occur below the threshold of disaster, which require immediate and preventive action on the part of all agencies called upon to help,

knowing that the effects of such serious accidents and disasters can — independently of where they occurred in one State — spread to the territory of other States,

being aware that these kinds of accidents and disasters require special and additional measures of prevention, assistance and mutual information and support, which must be planned and carried out both by States and by international organizations,

expressing the wish that to this end international co-operation may be reinforced and intensified,

acknowledging the fact that the International Red Cross and Red Crescent Movement is more especially obliged to provide mutual assistance and support in any kind of disaster,

recognizing the necessity for the Movement to address itself more comprehensively and more intensively than up to now to the issue of possible dangers and consequences of technical or other disasters with a view to more adequate and improved assistance,

noting with gratitude that the members of the International Atomic Energy Agency meeting in Vienna recently adopted a Convention on early notification of nuclear accidents and on mutual assistance,

1. *requests* governments to intensify future international co-operation for the safe development and application of new technologies and to undertake efforts to conclude further bilateral and multilateral agreements on mutual, timely and comprehensive information as well as on measures for mutual assistance,
2. *recommends* to governments and international organizations when concluding such agreements and conventions also to take proper account of the capacity of their corresponding National Red Cross and Red Crescent Societies and of the entire Movement to participate in relief action and to include them in their information system at an early stage,
3. *further recommends* to governments vigorously to support their National Red Cross and Red Crescent Societies in their efforts to improve their capacity for assistance in the field,

4. *calls upon* National Red Cross and Red Crescent Societies to approach their governments in the manner outlined above and to undertake efforts that promote improvement of their own capacity for assistance,
 5. *encourages* National Red Cross and Red Crescent Societies to intensify their efforts to arrive at bilateral and multilateral agreements and commitments to mutual assistance in case of major disasters of any kind,
 6. *recommends* that the League of Red Cross and Red Crescent Societies and the Henry Dunant Institute undertake a study concerning the possibilities and necessities of improved assistance from the Movement in case of technical and other disasters and that the result of this study be reported to the next International Conference,
 7. *calls upon* the Movement not to slacken its efforts to support National Red Cross and Red Crescent Societies in their endeavour to conclude agreements for mutual assistance in case of technical disasters and all other kinds of disasters in as comprehensive a manner as possible and in the spirit of human solidarity and to carry out a regular exchange of experience.
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THE PRINCIPLES AND RULES FOR RED CROSS AND RED CRESCENT DISASTER RELIEF

**Prepared by the International Federation of Red Cross
and Red Crescent Societies in consultation with the
International Committee of the Red Cross**

Basic Principles

1. Field of application

- 1.1 The present Principles and Rules apply to disasters resulting from natural or other calamities.
- 1.2 Every disaster relief operation carried out in a country where there is war, civil war, or internal disturbances, shall be regulated by the provisions of the Agreement of 1989 between the ICRC and the Federation, or by any subsequent such agreement.
- 1.3 However, Articles 24 to 29 of the present Principles and Rules shall also apply to situations described under paragraph 1.2.

2. The duty to assist

- 2.1 The Red Cross and Red Crescent in its endeavour to prevent and alleviate human suffering, considers it a fundamental right of all people to both offer and receive humanitarian assistance. Hence it has a fundamental duty to provide relief to all disaster victims and assistance to those most vulnerable to future disasters.
- 2.2 We recognize that, in helping disaster victims to survive, relief programmes must also look to the future and ensure that people are not left more vulnerable to future disasters. Wherever possible, relief programmes should attempt to build upon the capacities of those being assisted, involve them in the management and implementation of the programme and act with a sense of accountability towards the beneficiaries.

3. Role of the Red Cross and Red Crescent

- 3.1 Prevention of disasters, assistance to victims and reconstruction are first and foremost the responsibility of the public authorities. The International Federation of Red Cross and Red Crescent Societies, (hereinafter referred to as the Federation¹) will actively offer assistance to disaster victims through the agency of the National Society in a spirit of cooperation with the public authorities. In principle, Red Cross and Red Crescent help is of a complementary and auxiliary nature and is given primarily in the emergency and reconstruction phase. However, if circumstances require, and provided the Red Cross and Red Crescent is assured of the necessary resources and means, it may undertake longer-term disaster assistance programmes. Such programmes should be designed to reduce vulnerability to disasters, and prepare for future possible disasters.

4. Coordination

- 4.1 Considering that assistance to disaster victims requires coordination at both the national and international levels, the Red Cross and Red Crescent, whilst remaining true to its Principles, should, in the implementation of its programme, endeavour to take into account the help given by other national and international organizations.
- 4.2 Considering the Federation's position as one of the leading disaster response agencies, the National Society should offer its service to their disaster affected government to assist with the coordination of NGO disaster relief. The Federation should support such endeavours.

5. Role of the Federation

- 5.1 The Federation acts as the information centre for its member Societies regarding situations caused by disaster and coordinates, at the international level, the assistance provided by National Societies and the Federation or channelled through them.
- 5.2 The Federation should also support National Societies in their contacts with their governments with a view to establishing and developing their position and role in disaster preparedness and response.

¹ In the Federation, the organization of disaster relief actions is one of the responsibilities assigned to the Secretary General, assisted by the Secretariat.

6. Preparedness and mutual aid

- 6.1 It is the duty of National Societies to prepare themselves to give assistance in the event of a disaster.
- 6.2 In view of the solidarity binding them together they shall help one another when faced with a situation exceeding the resources of any one Society.
- 6.3 In assisting each other in this way, while respecting the independence of each other and the sovereignty of the stricken country, National Societies contribute to the strengthening of friendship and peace among peoples.

7. Ways and means of assistance

- 7.1 Red Cross and Red Crescent assistance to victims is given without any distinction as to sex, nationality, race, religion, social condition or political opinion. It is made available solely on the basis of the relative importance and urgency of individual needs.
- 7.2 Red Cross and Red Crescent relief is administered with economy, efficiency and effectiveness. Its utilization is the subject of reports, including audited accounts of income and expenditure, reflecting a true and fair view of the operation.

Disaster Preparedness

8. National relief plan

- 8.1 In order to cope with the effects of disaster, each country should have a national plan outlining an effective organization of relief. If such a plan does not exist, the National Society should instigate its establishment.
- 8.2 The national plan shall assign to all sections of the community — public services, Red Cross and Red Crescent, voluntary agencies, social welfare organizations and qualified persons — precise tasks in the fields of disaster prevention, relief and reconstruction.
- 8.3 To ensure rapid mobilization as well as complete and effective use of material and personnel resources, the national plan should envisage coordination through the establishment of a centralized managing body. Such a body should be able to provide authoritative information on the effects of a disaster, its evolution and needs.

9. Preparedness of the National Society

- 9.1 The extent of the Red Cross and Red Crescent relief programme depends on the magnitude of the disaster, the needs already covered by others and the responsibilities delegated to the National Society by its government or by the national relief plan.
- 9.2 Each National Society must prepare itself to assume the responsibility devolving on it in the case of disaster. It must establish its own plan of action, adapt its organization accordingly, recruit, instruct and train the necessary personnel and ensure the availability of the reserves in cash and kind which it might need in the emergency phase of a relief operation. Such plans must be regularly reviewed and capacity further developed in the light of experience.
- 9.3 All National Societies face the possibility of responding to disasters beyond their capacities. National Societies should therefore make preparations for receiving and managing international assistance provided by the Federation.
- 9.4 National Societies should make every effort to obtain facilities from governmental or private transport services in their countries for the rapid transport, whenever possible free or at reduced rates, of relief supplies, including goods in transit, for disaster victims.
- 9.5 National Societies should also endeavour to obtain from their governments exemption from all taxes and customs duties, concerning the entry into and transit through the country, of funds and relief supplies intended for the victims of disasters.
- 9.6 Furthermore, they should seek to obtain travel facilities and the quick granting of visas for Red Cross and Red Crescent personnel taking part in relief operations.

10. Preparedness of the Federation

- 10.1 The Federation will endeavour to assist National Societies with their organization and preparedness for relief actions. In particular by offering them the services of technically qualified personnel (delegates) and by contributing to the instruction and training of their personnel. It will encourage and facilitate exchanges of information between Societies so that the experience of some will be of benefit to others. It will encourage investment by Federation members in disaster preparedness activities in the most disaster prone countries.

11. Agreements on mutual assistance

- 11.1 As part of their disaster preparedness strategy, National Societies should endeavour to conclude agreements on future mutual assistance in the event of disaster, with the National Societies of neighbouring countries. The Federation shall be informed.
- 11.2 For the most disaster prone countries, the Federation shall endeavour to negotiate pre-disaster agreements with the National Society of the disaster prone country aimed at enhancing the disaster preparedness activities of the Operating National Societies and improving the timeliness and effectiveness of Federation response to major disasters. Where appropriate these agreements may be tripartite, involving a Participating National Society.

International Disaster Relief Assistance

12. Initial information

- 12.1 To enable the Federation to act as the disaster information centre, National Societies shall immediately inform it of any major disaster occurring within their country, including data on the extent of the damage and on the relief measures taken at the national level to assist victims. Even if the National Society does not envisage appealing for external assistance, the Federation may, in the spirit of Federation solidarity, send a representative/s to the disaster-affected area to gather information and assist the National Society in dealing with the international dimensions of the disaster.

13. Use of the Disaster Relief Emergency Fund

- 13.1 In accordance with its rules, as amended by the 1991 General Assembly, the Disaster Relief Emergency Fund may be used by the Federation to finance emergency pre-disaster activities or initial emergency response to disasters.

14. Request for assistance and appeal

- 14.1 Any request from a National Society of a stricken country for international assistance shall be addressed to the Federation. Such a request must contain an overview of the situation in the disaster area, the number of persons to be helped and the nature, quantities and priorities of relief supplies needed by the National Society.

- 14.2 On receipt of such a request, the Federation will, when conditions call for it, launch an Appeal to all National Societies or, depending on the circumstances, to a certain number of them. No Appeal will be launched by the Federation without a request from the National Society of the stricken country or without its agreement.
- 14.3 The Federation may, however, take the initiative to offer assistance, even though the National Society has not asked for it. The National Society will consider such offers with urgency and goodwill, bearing in mind the needs of the disaster victims and the spirit in which such offers are made.

15. Relations with the international news media

- 15.1 Since the media can have a major influence on public support for a relief operation and the generation of funds, the National Society of a stricken country should make every effort, consistent with the efficient conduct of the relief operation and any regulations laid down by the authorities, to facilitate journalists' coverage of an emergency situation.
- 15.2 When a disaster situation attracts large-scale international media interest, the Federation may assign a delegate, or delegates, to assist the National Society in coping effectively with the requirements of the media and responding to the public information needs of Participating National Societies and the Federation's Secretariat in Geneva.

16. Regular communication of information

- 16.1 The National Society of the stricken country will keep the Federation informed on the development of the situation, the relief given and the needs still to be met. The Federation will forward this information to National Societies to which the Appeal had been made.

17. Information on assistance

- 17.1 When, as a result of a Federation Appeal or as a result of mutual agreement or other special circumstances, a National Society gives assistance to the Society of a stricken country it will immediately inform the Federation. Such information will contain the amount of gifts in cash and all available data on gifts in kind, including quantity, value and means of transportation.

18. Implementation of Federation assistance

- 18.1 When a National Society is in receipt of international assistance, the Federation may assign to that National Society a representative or a team of delegates, whose name or names will be communicated to it as rapidly as possible and whose number will depend on the magnitude of the disaster.
- 18.2 Where technical assistance personnel are provided, the Head of Delegation will be responsible for the judicious and effective utilization of the team of experts with a view to helping the National Society with such activities as the reception, warehousing and distribution of relief supplies received from abroad, as well as information, communication and all other activities that will contribute to the effectiveness both of the relief operation itself, undertaken by the National Society involved, and of the assistance of sister Societies.
- 18.3 All staff assigned by the Federation will have the task of assisting the National Society and not of taking over its basic responsibilities.
- 18.4 The Representative or Head of Delegation shall be given all necessary communication facilities for the swift dispatch to the Federation, of all the information likely to enable it to back up its Appeals to National Societies and inform them as fully as possible on the needs resulting from the disaster and then on the use made of the relief received. He/she should advise the National Society concerned of the measures taken and foreseen, both by the Federation and National Societies, which are giving their support.

19. Execution entrusted to the Federation

- 19.1 When the administrative organization of the Society in the stricken country does not enable it to meet the situation, the Federation, at the request of that Society and with its cooperation, may assume the local direction and execution of the relief action.

20. Representatives of Participating Societies

- 20.1 Participating Societies wishing to send representatives to the spot, particularly to collect information material to enhance public support for the relief actions, shall obtain the prior agreement of the central headquarters of the National Society of the stricken country. They should also inform the Federation.
- 20.2 Any such representatives will be bound by the Rules of Conduct for Federation field personnel and shall report on their actions to the Federation Representative or Head of Delegation.

21. Foreign personnel

- 21.1 All personnel provided by Participating Societies to assist in the implementation of the operation, will be placed under the direction of the Federation, when the direction and execution of the relief operation have been entrusted to it.

22. Transmission and forwarding of relief

- 22.1 Assistance donated by a National Society to a stricken country shall always be sent through Red Cross and Red Crescent channels, either direct to the National Society or through the intermediary of the Federation. Funds sent to the Federation will be specifically earmarked for the disaster for which they are contributed and will either be sent to the National Society of the stricken country or, with its concurrence, be utilized by the Federation according to the needs of the relief operation.
- 22.2 National Societies and the Federation may agree to transmit relief from non-Red Cross sources to a stricken country. In such cases, the relief will be utilized by the National Society or, with its concurrence, by the Federation in conformity with the present Principles and Rules.

23. Soliciting of contributions abroad

- 23.1 Unless there is a previous agreement, the National Society of a stricken country will not try to obtain, either directly or indirectly, funds or any other form of assistance in the country of another Society and will not permit its name to be used for this purpose.

Accounting and Auditing for Joint or Separate Federation and/or ICRC Operations

24. Principle of accountability

National Societies receiving gifts from sister Societies, the Federation, the ICRC or any other source in the context of a joint or separate Federation and/or ICRC operation or programme must conform to the following rules as regards accounting and auditing:

24.1 Gifts in cash

24.1.1 Bank accounts

The Operating Society shall open in its own name a special bank account whose sole purpose shall be to receive all the funds and cover all the expenditure

of the operation/programme. It shall not be used for any other transactions. There shall be one bank account per operation/programme. If for unforeseen reasons, it is not possible to open a separate bank account, a separate cash ledger should be maintained per operation/programme.

24.1.2 Financial reporting

The Operating Society shall render a periodic account of the funds held by it for the operation/programme showing: opening balance brought forward from the previous period; income from all sources during the current period; actual disbursements during the period and the closing balance for the period. The periodicity of these reports shall be established in the agreement, but under no circumstances should be less than quarterly. Additional information required for the following period comprises: anticipated income, an estimate of expenditure and cash requirements. The Federation and/or the ICRC would in that way be prepared to give consideration to making an appropriate supplementary advance in cash.

24.1.2.1 The actual disbursements charged to the operation/programme shall be shown in a detailed statement which, together with copies of vouchers for all amounts debited and recapitulatory bank statements, shall be submitted promptly to the Federation and/or the ICRC local Delegation, no later than the end of the following month. In the event of such reports not being submitted, the local Delegation should take appropriate steps to assist the Operating Society in producing the necessary report. In exceptional circumstances, where monthly reports are not forthcoming, the Federation and/or the ICRC may decide on the suspension of the financial assistance.

24.1.2.2 In recognizing the importance of financial reporting, the Federation and/or the ICRC shall undertake to provide or make available technical assistance to the Operating Society in order to ensure the timely production of accurate and complete financial reports. Such reports should be regarded both as a management tool for the Operating Society, and as a reporting service to the Federation.

24.1.3 Auditing

Auditing is a normal, integral step in any professionally managed operation. In the interest of sound financial administration, the National Society's accounts related to the operation/programme shall be audited at least yearly by auditors designated by the Federation and/or the ICRC. The cost of the audit will be met from the funds available for the operation/programme. This audit shall result in the Auditor's Report and a Management Letter. The said results shall be communicated to the National Society and, if necessary, corrective actions to be taken shall be indicated. In the exceptional event when no corrective actions have

taken place, the Federation and/or the ICRC may consider suspension of financial assistance.

24.2 Gifts in kind

Where gifts in kind are made, records of the stocks showing the origin and use of such contributions shall be submitted monthly and upon completion of the operation/programme.

25. Exceptional Rules of Procedures

25.1 The Federation and/or the ICRC may, in certain exceptional circumstances, not be fully satisfied with the way in which resources for Federation and/or the ICRC operations and programmes are managed and accounted for by either *Participating* or *Operating Societies*.

25.2 In such circumstances, the Federation and/or the ICRC is authorized to entrust a qualified Federation and/or the ICRC representative to look into the matter.

25.3 The National Society in question, be it operating or participating, shall ensure that the Federation and/or the ICRC representative, has access to such records of the Society as the Federation and/or the ICRC representative considers necessary for the purpose of their task.

26. Use made of gifts

26.1 A National Society which benefits from the assistance of sister Societies will give the Federation's and/or ICRC's Representative or Head of Delegation the opportunity to see, on the spot, the use made of the gifts received.

27. Unsolicited relief supplies

27.1 If a National Society wishes to send relief supplies which are not mentioned in the Appeal launched by the Federation and/or ICRC, it shall first obtain the agreement of the National Society of the stricken country or of the Federation and/or ICRC. When there has been no Appeal but a National Society nevertheless wishes to send relief supplies to the Society of a stricken country, the previous agreement of that Society is also required and the Federation and/or ICRC shall be informed.

27.2 In the absence of such an agreement, the receiving National Society is free to use unsolicited relief supplies at its own discretion, without being bound by the provision of Article 29.3.

28. Donating supplies while receiving assistance

28.1 A National Society in receipt of international assistance for its own country shall not contribute assistance of a similar nature to a sister Society without the prior authorization of the Federation and/or ICRC.

29. Use of gifts

29.1 Gifts sent to a National Society may be used only for the purpose designated and will serve in the first place to give direct assistance to the victims.

29.2 An Operating Society may in no event use cash gifts to cover administrative expenses included in its ordinary budget, nor may it transfer cash gifts donated to it to another organization or group for use by that organization or group.

29.3 If in the course of a relief operation it becomes necessary to sell or exchange a part of the goods received, the donors will be consulted through the Federation and/or ICRC. The funds or goods thus obtained may only be used for the relief action.

30. Relief balances

30.1 Goods or funds remaining on hand after the termination of a relief action may be: used for subsequent rehabilitation activities, used for Society disaster preparedness activities, transferred to other priority programmes, or returned to the Participating Society. All such use of funds or goods should take place under an agreement between the National Society of the stricken country and the Federation after consultation by the Federation with the Participating Societies concerned.

Final Provisions

31. Obligations

31.1 A National Society which accepts spontaneous or special assistance is bound to conform to the obligations laid down in the present "Principles and Rules" even though it has not requested assistance within the terms of Article 12.1.

XXIst, XXIIInd, XXIIIrd, XXIVth International Conferences of the Red Cross, Istanbul (1969), Tehran (1973), Bucharest (1977), Manila (1981) and Geneva (1986).

KEY FACTORS FOR DEVELOPMENTAL RELIEF

Prepared by the International Federation of Red Cross and Red Crescent Societies

In February 1995, the International Federation, in collaboration with the Danish Red Cross, the European Community Humanitarian Office (ECHO) and DANIDA undertook an examination of a number of recent relief operations to identify those factors which should typify a relief programme that uses a developmental approach to implementation.

Nine key factors were identified. These factors are now being incorporated into the Federation's training programmes and disaster response methodology.

I. Building on capacities as well as addressing vulnerabilities: The need to access vulnerabilities is recognized as being important, but relief programmes that deliberately seek out and work with capacities, skills, resources and organizational structures within the disaster survivors, will be more effective than those that assume the survivors are a passive, helpless, recipient community.

II. Identifying the needs and capacities of the diverse groupings of disaster survivors: Developmental relief programmes recognise that the survivor population is made up of many groups with different capacities, vulnerabilities and needs. The relief programme is shaped to address these diverse groups and their capacities as well as their different needs.

III. Participation: Developmental relief programmes deliberately involve disaster survivors in the decision making process which empower them to re-take charge of their lives. Even in particularly difficult situations, such as relief to large-scale displaced populations a beginning may be made by engaging diverse community leaders in the assessment of the situation, and identifying the resources that they have available to cope.

IV. Accountability: In relief programmes, agencies traditionally see themselves as being accountable upwards, towards their headquarters and donors, but they should also practice accountability towards the disaster survivors. At a minimum, information on the planning, execution and expected duration of the relief programme should be openly shared with the programme beneficiaries.

V. Strategies based on the reality of the disaster faced: Relief programmes address many different types of disasters, those triggered by natural events, those which develop slowly over vast areas of a country, those caused by war and economic collapse. Developmental relief programmes adapt their strategies to suit the environment of the disaster rather than relying solely on pre-packaged delivery derived from a model of only one type of disaster.

VI. Decentralized control: A developmental relief programme allows management decisions to be taken as close to the beneficiary population as possible.

VII. Demonstrating a concern for sustaining livelihoods: Developmental relief programmes are concerned with what comes after relief as well as how the relief programme is carried out. They provide assistance that complements rather than competes with the normal means of livelihood of the disaster survivors.

VIII. Building on local institutions: Imposed relief programmes can undermine local structures, often use them without strengthening them and often abandon them after the relief operation. Developmental relief programmes look to work with local institutions and build their capacities to carry on humanitarian work after the need for relief has passed.

IX. Setting sustainable standards services: Relief programmes often set in motion the development of service and welfare systems, in health, education and water provision which will need to carry on after the relief ends. These should be of a standard and provided in a manner which has a realistic chance of being sustained after the relief operation ends.

Overcoming the constraints of existing systems

In between relief operations, aid workers and agencies all agree that they should find ways of doing relief in a more developmental way, but when the crisis hits and decisions have to be made quickly with minimal information, managers shy away from taking the risk of using other than the tried and tested responses.

The international aid system contains many actors, all of whom need to participate in a change process if the end product of the system, relief delivery, is to change. Being committed to finding better ways of providing relief the International Federation makes the following recommendations to implementing agencies, donors and research institutions.

Recommendations to implementing agencies

1. Altering staffing structures and attitudes

In composing relief teams, it should be assured that sufficient expertise is included and responsibility assigned for focusing the relief activities on developmental implementation and maximising utilisation of community capacity. Staff training programmes need to include the concepts of programming relief for development.

2. Programming standards

In order to practice developmental relief, agencies must set themselves high and defensible humanitarian standards. We recommend that as a starting point, agencies subscribe to the standards laid down in the Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief.

3. Specialized competence and co-ordination

Large relief programmes attract large numbers of external relief agencies. In order to improve the effectiveness and quality of the services we deliver, we recommend that agencies critically examine their own strengths and seek to develop greater competence, in limited fields if necessary, rather than a breadth of mediocrity in service delivery.

In addition we recommend that agencies recognize the need to balance their right to independence of action against the humanitarian value to be gained through coordination. Agencies should be willing to coordinate when it adds to the greater good of the relief programme.

4. Altering budget structures

We recommend that agencies build into their plans of action and associated budgets the flexibility necessary to address longer term perspectives, building on local capacities as well as addressing vulnerabilities. This requires a change to current budgeting practices.

5. Supporting local people and structures

We recommend that agencies seek to strengthen local capacities by employing local staff, purchasing local materials and trading with local companies. Wherever possible, agencies should work through local humanitarian organisations as partners in planning and implementation, and cooperate with local government structures.

6. Programming for sustainability, disaster prevention and preparedness

Agencies should seek to sustain livelihoods as well as lives. Relief programmes must not undermine the long-term sustainability of the assisted population. We recommend that all relief programming should address the issue of sustainability and disaster preparedness.

7. Consistency of action, policy and messages

We recommend that agencies examine their present policies for disaster response and adapt them to reflect a developmental approach to relief. In addition agencies should ensure that their publicity and advocacy material is consistent with this approach, and that they advocate rigorously for their partner organizations in government and the international community to also address relief in a developmental fashion.

8. Programme reviews

Many relief programmes go on year after year in the same way. We recommend agencies to review programmes annually to identify changes that progressively make more use of local leadership, skills and capacities.

9. Sharing experience with donors and the media

Agencies need to get better at sharing field experience of success and failure with donors and engage in a dialogue about needed policy change. Equally they need to work more effectively with the media to build understanding of the issues and to break down stereotypes such as those of “helpless disaster victims”.

Recommendations to donors

10. Linking relief and development programming

The present organizational structure and funding mechanisms of many donor institutions reflects the view of relief and development as two divorced activities. We recommend that donor institutions seek ways of promoting dialogue between their relief and development divisions and seek ways of allowing a degree of development funding into relief programmes.

11. Accountability, measuring the quality of relief programmes

Measuring the quality of developmental relief programmes requires a different set of parameters and associated skills from evaluating simple relief delivery. We recommend that donor institutions explore new ways of evaluating and

reporting in relation to relief programmes which reflect the attributes of a developmental approach.

12. Support for local structures in relief and disaster preparedness

Working through, enhancing and supporting local structures is central to the developmental approach to relief. We recommend that donor institutions recognize and support the legitimacy of funding local structure strengthening as part of disaster preparedness and relief programmes.

13. Supporting review activities

Promoting new ways of working require an enhanced learning process. We recommend that donor institutions support both national and international relief programme reviews with a view towards promoting developmental relief.

Recommendations to research bodies

14. Development of practical methods of capacity and vulnerability analysis for disaster situations

Developmental relief places greater emphasis on understanding local capacities and vulnerabilities than does needs-driven assistance delivery relief, yet few methodologies exist to help assess these features. We recommend that research bodies develop methods of capacity and vulnerability analysis which are appropriate for relief situations, by drawing upon existing experience.

15. Development of methods for evaluating the quality of the relief process

Measuring and evaluating the quality of developmental relief programmes requires a different set of parameters and associated skills from evaluating simple relief delivery. Few methodologies have been developed to allow such appropriate evaluations to take place. We recommend that research bodies develop such evaluation techniques, building on existing experiences and in close collaboration with implementing agencies and donor institutions.

16. Developing accountability systems

Present relief accountability systems stress financial reporting supported by process descriptive narrative. We recommend that research bodies assist in the development of more holistic reporting systems which provide information on features of relief programmes additional to quantitative delivery information, i.e. capacity building, participation, accountability to the disaster survivors.

17. Impact evaluation of international relief on local organizations

Many implementing agencies are concerned with the negative impact major relief programmes have on local institutions, yet little systematic documentation and research have been done in this area. We recommend that research bodies be commissioned to carry out such research.

18. Popularizing the results of research

Good research has effect only if it gets into the hands of the implementors. We recommend that the results of the research mentioned above be popularized through publications, meetings and other methods targeted at the implementing and donor agencies.

**THE CODE OF CONDUCT¹
FOR THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT AND NGOS
IN DISASTER RELIEF**

**Prepared jointly by the International Federation
of Red Cross and Red Crescent Societies and
the International Committee of the Red Cross**

Purpose

This Code of Conduct seeks to guard our standards of behaviour. It is not about operational details, such as how one should calculate food rations or set up a refugee camp. Rather, it seeks to maintain the high standards of independence, effectiveness and impact to which disaster response NGOs and the International Red Cross and Red Crescent Movement aspires. It is a voluntary code, enforced by the will of organization accepting it to maintain the standards laid down in the Code.

In the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law.

The Code of Conduct is presented first. Attached to it are three annexes, describing the working environment that we would like to see created by Host Governments, Donor Governments and Intergovernmental Organizations in order to facilitate the effective delivery of humanitarian assistance.

Definitions

NGOs: NGOs (Non-Governmental Organizations) refers here to organizations, both national and international, which are constituted separate from the government of the country in which they are founded.

¹ Sponsored by: Caritas Internationalis*, Catholic Relief Services*, International Federation of Red Cross and Red Crescent Societies*, International Save the Children Alliance*, Lutheran World Federation*, Oxfam*, World Council of Churches*, International Committee of the Red Cross. (* members of the Steering Committee for Humanitarian Response)

NGHAs: For the purposes of this text, the term Non-Governmental Humanitarian Agencies (NGHAs) has been coined to encompass the components of the International Red Cross and Red Crescent Movement — The International Committee of the Red Cross, The International Federation of Red Cross and Red Crescent Societies and its member National Societies — and the NGOs as defined above. This code refers specifically to those NGHAs who are involved in disaster response.

IGOs: IGOs (Inter-Governmental Organizations) refers to organizations constituted by two or more governments. It thus includes all United Nations Agencies and regional organizations.

Disasters: A disaster is a calamitous event resulting in loss of life, great human suffering and distress, and large scale material damage.

THE CODE OF CONDUCT

PRINCIPLES OF CONDUCT FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT AND NGOS IN DISASTER RESPONSE PROGRAMMES

1. The humanitarian imperative comes first

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognize our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.

2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone

Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already

in place to meet those needs. Within the entirety of our programmes, we will reflect considerations of proportionality. Human suffering must be alleviated whenever it is found; life is as precious in one part of a country as another. Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate. In implementing this approach, we recognize the crucial role played by women in disaster-prone communities and will ensure that this role is supported, not diminished, by our aid programmes. The implementation of such a universal, impartial and independent policy, can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

3. Aid will not be used to further a particular political or religious standpoint

Humanitarian aid will be given according to the need of individuals, families and communities. Notwithstanding the right of NGHAs to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions. We will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

4. We shall endeavour not to act as instruments of government foreign policy

NGHAs are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy. We will never knowingly — or through negligence — allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments. We will use the assistance we receive to respond to needs and this assistance should not be driven by the need to dispose of donor commodity surpluses, nor by the political interest of any particular donor. We value and promote the voluntary giving of labour and finances by concerned individuals to support our work and recognize the independence of action promoted by such voluntary motivation. In order to protect our independence we will seek to avoid dependence upon a single funding source.

5. We shall respect culture and custom

We will endeavour to respect the culture, structures and customs of the communities and countries we are working in.

6. We shall attempt to build disaster response on local capacities

All people and communities — even in disaster — possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies. Where possible, we will work through local NGHAs as partners in planning and implementation, and cooperate with local government structures where appropriate. We will place a high priority on the proper coordination of our emergency responses. This is best done within the countries concerned by those most directly involved in the relief operations, and should include representatives of the relevant UN bodies.

7. Ways shall be found to involve programme beneficiaries in the management of relief aid

Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.

8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs

All relief actions affect the prospects for long term development, either in a positive or a negative fashion. Recognizing this, we will strive to implement relief programmes which actively reduce the beneficiaries' vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes.

We will also endeavour to minimize the negative impact of humanitarian assistance, seeking to avoid long-term beneficiary dependence upon external aid.

9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognize the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognize the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programmes will be based upon high standards of professionalism and expertise in order to minimize the wasting of valuable resources.

10. In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects

Respect for the disaster victim as an equal partner in action should never be lost. In our public information we shall portray an objective image of the disaster situation where the capacities and aspirations of disaster victims are highlighted, and not just their vulnerabilities and fears. While we will co-operate with the media in order to enhance public response, we will not allow external or internal demands for publicity to take precedence over the principle of maximizing overall relief assistance. We will avoid competing with other disaster response agencies for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.

THE WORKING ENVIRONMENT

Having agreed unilaterally to strive to abide by the Code laid out above, we present below some indicative guidelines which describe the working environ-

ment we would like to see created by donor governments, host governments and the inter-governmental organizations — principally the agencies of the United Nations — in order to facilitate the effective participation of NGHAs in disaster response.

These guidelines are presented for guidance. They are not legally binding, nor do we expect governments and IGOs to indicate their acceptance of the guidelines through the signature of any document, although this may be a goal to work to in the future. They are presented in a spirit of openness and cooperation so that our partners will become aware of the ideal relationship we would seek with them.

ANNEX I

Recommendations to the governments of disaster-affected countries

1. Governments should recognize and respect the independent, humanitarian and impartial actions of NGHAs

NGHAs are independent bodies. This independence and impartiality should be respected by host governments.

2. Host governments should facilitate rapid access to disaster victims for NGHAs

If NGHAs are to act in full compliance with their humanitarian principles, they should be granted rapid and impartial access to disaster victims, for the purpose of delivering humanitarian assistance. It is the duty of the host government, as part of the exercising of sovereign responsibility, not to block such assistance, and to accept the impartial and apolitical action of NGHAs. Host governments should facilitate the rapid entry of relief staff, particularly by waiving requirements for transit, entry and exit visas, or arranging that these are rapidly granted. Governments should grant over-flight permission and landing rights for aircraft transporting international relief supplies and personnel, for the duration of the emergency relief phase.

3. *Governments should facilitate the timely flow of relief goods and information during disasters*

Relief supplies and equipment are brought into a country solely for the purpose of alleviating human suffering, not for commercial benefit or gain. Such supplies should normally be allowed free and unrestricted passage and should not be subject to requirements for consular certificates of origin or invoices, import and/or export licences or other restrictions, or to importation taxation, landing fees or port charges.

The temporary importation of necessary relief equipment, including vehicles, light aircraft and telecommunications equipment, should be facilitated by the receiving host government through the temporary waiving of licence or registration restrictions. Equally, governments should not restrict the re-exportation of relief equipment at the end of a relief operation.

To facilitate disaster communications, host governments are encouraged to designate certain radio frequencies, which relief organizations may use in-country and for international communications for the purpose of disaster communications, and to make such frequencies known to the disaster response community prior to the disaster. They should authorize relief personnel to utilize all means of communication required for their relief operations.

4. *Governments should seek to provide a coordinated disaster information and planning service*

The overall planning and coordination of relief efforts is ultimately the responsibility of the host government. Planning and coordination can be greatly enhanced if NGHAs are provided with information on relief needs and government systems for planning and implementing relief efforts as well as information on potential security risks they may encounter. Governments are urged to provide such information to NGHAs.

To facilitate effective coordination and the efficient utilization of relief efforts, host governments are urged to designate, prior to disaster, a single point-of-contact for incoming NGHAs to liaise with the national authorities.

5. *Disaster relief in the event of armed conflict*

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

ANNEX II

Recommendations to donor governments

1. Donor governments should recognize and respect the independent, humanitarian and impartial actions of NGHAs

NGHAs are independent bodies whose independence and impartiality should be respected by donor governments. Donor governments should not use NGHAs to further any political or ideological aim.

2. Donor governments should provide funding with a guarantee of operational independence

NGHAs accept funding and material assistance from donor governments in the same spirit as they render it to disaster victims; one of humanity and independence of action. The implementation of relief actions is ultimately the responsibility of the NGHAs and will be carried out according to the policies of that NGHAs.

3. Donor governments should use their good offices to assist NGHAs in obtaining access to disaster victims

Donor governments should recognize the importance of accepting a level of responsibility for the security and freedom of access of NGHAs staff to disaster sites. They should be prepared to exercise diplomacy with host governments on such issues if necessary.

ANNEX III

Recommendations to intergovernmental organizations

1. IGOs should recognize NGHAs, local and foreign, as valuable partners

NGHAs are willing to work with UN and other intergovernmental agencies to effect better disaster response. They do so in a spirit of partnership which respects the integrity and independence of all partners. Intergovernmental agencies must respect the independence and impartiality of the NGHAs. NGHAs should be consulted by UN agencies in the preparation of relief plans.

2. IGOs should assist host governments in providing an overall coordinating framework for international and local disaster relief

NGHAs do not usually have the mandate to provide the overall coordinating framework for disasters which require an international response. This responsibility falls to the host government and the relevant United Nations authorities. They are urged to provide this service in a timely and effective manner to serve the affected state and the national and international disaster response community. In any case, NGHAs should make all efforts to ensure the effective coordination of their own services.

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

3. IGOs should extend security protection provided for UN organizations, to NGHAs

Where security services are provided for intergovernmental organizations, this service should be extended to their operational NGHAs partners where it is so requested.

4. IGOs should provide NGHAs with the same access to relevant information as is granted to UN organizations

IGOs are urged to share all information, pertinent to the implementation of effective disaster response, with their operational NGHAs partners.

Registration form

Non-governmental organizations which would like to register their support for this Code and their willingness to incorporate its principles into their work should fill in the form below and return it to:

**The Disaster Policy Department
The International Federation of Red Cross and Red Crescent Societies**

PO Box 372

1211 Geneva 19

Switzerland

Tel +41 (022) 7304222

Fax +41 (022) 7330395

We would like to register our support for the Code of Conduct and will endeavour to incorporate its principles into our work.

Agency Name	
Address	
Telephone	
Fax	
Signature	
Position in organization	
Date	

**AMENDMENT TO THE STATUTES AND
THE RULES OF PROCEDURE OF THE INTERNATIONAL
RED CROSS AND RED CRESCENT MOVEMENT**

1. Preamble

Former text:

“The International Conference of the Red Cross and Red Crescent,
Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies...”

New text:

The International Conference of the Red Cross and Red Crescent,
Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the *International Federation of Red Cross and Red Crescent Societies...*

2. General provisions

Article 1: Definition

Former text:

“1. The International Red Cross and Red Crescent Movement (hereinafter called the Movement) is composed of the National Red Cross and Red Crescent Societies recognized in accordance with Article 4 (hereinafter called National Societies), of the International Committee of the Red Cross (hereinafter called the International Committee) and of the League of Red Cross and Red Crescent Societies (hereinafter called the League).”

New text:

“1. The International Red Cross and Red Crescent Movement (hereinafter called the Movement) is composed of the National Red Cross and Red Crescent Societies recognized in accordance with Article 4 (hereinafter called National Societies), of the International Committee of the Red Cross (hereinafter called

the International Committee) and of the *International Federation of Red Cross and Red Crescent Societies* (hereinafter called the Federation).”

3. Components of the Movement

Former text:

“Article 6: The League of Red Cross and Red Crescent Societies

1. The League is the International Federation of the National Red Cross and Red Crescent Societies. It acts under its own Constitution with all rights and obligations of a corporate body with a legal personality.

2. The League is...”

New text:

“Article 6: The International Federation of Red Cross and Red Crescent Societies

1. The International Federation of Red Cross and Red Crescent Societies comprises the National Red Cross and Red Crescent Societies. It acts...

2. The Federation is...”

(rest unchanged)

All relevant articles of the Statutes and of the Rules of Procedure of the International Red Cross and Red Crescent Movement shall be amended accordingly.

Council of Delegates

(Geneva, 1-2 December 1995)

Opening session

The Council of Delegates met on 1 and 2 December 1995 in Geneva and was attended by some 600 delegates (twice as many as in Birmingham in 1993) from the National Red Cross and Red Crescent Societies, and representatives from the ICRC and the Federation.

The meeting was opened by Botho Prince of Sayn-Wittgenstein-Hohenstein, in his capacity as Chairman of the Standing Commission of the Red Cross and Red Crescent.

In his opening address he reiterated the Movement's basic mission: to assist the most vulnerable. He also stressed the vital necessity for solidarity and harmony within the Movement, while at the same time noting the Movement's moral right to ask States to support the work of the Red Cross and Red Crescent. The assembly then proceeded to elect the Council officials: Mr Cornelio Sommaruga, President of the ICRC, and Dr Mohammed M. Al-Hadid, President of the Jordan National Red Crescent Society and Vice-President of the Federation, were respectively elected by acclamation to the posts of Chairman and Vice-Chairman of the Council of Delegates. Ms Yolande Camporini, from the Federation, and Ms Kathleen Graf, from the ICRC, were elected as secretaries to the Council.

In his address, Mr Sommaruga welcomed the eight new National Societies recognized by the ICRC (Andorra, Armenia, Azerbaijan, Belarus, Equatorial Guinea, Former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan) and greeted the reunited Cambodian Red Cross Society. Pointing out that it was the 30th anniversary of the proclamation of the Fundamental Principles of the Red Cross and Red Crescent, he said that those principles were today a source of inspiration for

many humanitarian organizations in that they have chosen to adopt the Code of Conduct which the ICRC and Federation had suggested to them. He, too, stressed that the Movement's internal cohesion must be maintained and reminded the meeting that the Movement existed only to serve others — the common mission of its various components being to help the suffering and the destitute. Today's world, Mr Sommaruga emphasized, needed a strong Movement and one which was capable of conveying a forceful humanitarian message.

The agenda was adopted after several comments on the 26th International Conference, which was described as an opportunity to mobilize the international community in aid of all conflict victims and other vulnerable people and highlight the role of National Societies in encouraging appropriate measures within their respective countries.

A resolution tabled by several National Societies (Resolution 1) was adopted, appealing "to all participants in the International Conference, in the interest of all victims and vulnerable people, to safeguard its exclusively humanitarian character, in particular by respecting the Fundamental Principles during the Conference, in conformity with the Statutes of the Movement".

Report of the Commission on the Red Cross, Red Crescent and Peace

Mr Maurice Aubert, Chairman of the Commission on the Red Cross, Red Crescent and Peace, introduced the final report and its recommendations, some of a general nature and others relating more specifically to respect for children's rights, promotion of the Federation's manual entitled *Aids, Health and Human Rights*, and the question of minorities.

Mr Eric Roethlisberger, Vice-President of the ICRC, pointed to the Movement's responsibility in promoting peace and tolerance and the willingness of the ICRC to have the issue of arms transfers examined by a small study group that was representative of the Movement.

Lady Limerick, Vice-President of the Federation, voiced the Federation's belief that the Commission's work could be taken over by the components of the Movement, thereby confirming that the Commission was to be dissolved.

The delegates expressed their gratitude to the Commission and its Chairman and adopted a resolution which *inter alia* "requests the National

Societies, the ICRC and the International Federation, in cooperation with the Henry Dunant Institute, to pursue implementation of the 'Programme of Action of the Red Cross and Red Crescent as a Factor of Peace' and of the 'Fundamental Guidelines for the Contribution of the Red Cross and Red Crescent Movement to a True Peace in the World'". The resolution likewise calls upon all components of the Movement to work to prevent conflicts by strengthening mutual understanding, and to reaffirm the importance of safeguarding children's rights — especially the rights of those subjected to exploitation, ill-treatment or torture; it also stresses the need to adopt national measures to repress child prostitution. In addition, it voices the Council's desire that the Movement's role and attitude concerning the problem of arms transfers be studied and clarified.

In summing up, Mr Aubert pointed out that human rights and the prevention of conflicts were to peace what hygiene was to health. He concluded by stressing the importance of the worldwide network of National Societies in helping the most vulnerable (Resolution 2).

Future of the Movement

At its meeting in Birmingham in 1993, the Council of Delegates had adopted a resolution setting up a "Policy and Planning Advisory Commission" composed of twelve members — six from the National Societies, three from the Federation and three from the ICRC — to conduct a study on the future of the Movement. Mr Darrell Jones of the Canadian Red Cross Society, as Chairman of this Commission, presented its report to the Council of Delegates, drawing particular attention to the increased role which the Advisory Commission proposed giving to the Standing Commission, the prospects for functional cooperation between the various components of the Movement and questions concerning the emblem. (In this connection, the Commission suggested that the Standing Commission should consult government experts on all matters relating to the use of the emblem.)

The Council of Delegates unanimously approved the conclusions set forth in the Report and adopted a resolution extending the Standing Commission's terms of reference and strengthening its structure. In the same resolution it decided to re-establish, on a temporary basis, an independent Advisory Commission consisting of twelve members (three appointed by the ICRC, three by the Federation and six from National Societies). The Commission is mandated to keep the implementation of

the recommendations concerning the Standing Commission and the Council of Delegates under review; to identify areas in which the statutory provisions concerning the role, competences and functioning of the statutory bodies of the Movement might require clarification; to follow developments in the field of functional cooperation between the ICRC and the Federation; to put forward proposals for a common strategy for the components of the Movement; and to keep under review the external factors affecting the Movement (Resolution 3).

A further resolution adopted by the Council of Delegates invites the ICRC and the Federation to continue to build up their functional cooperation and to “develop, on the basis of operational experience and their report on functional cooperation, proposals for elements to be included in the new Agreement defining the organization of the international activities of the components of the Movement...” (Resolution 4).

Information policy of the Movement

The heads of the respective information services of the ICRC and the Federation, Mr Christian Kornevall and Mr Ian Piper, outlined the main points of the information policy of the Movement, which was approved in 1989 and now required updating. In presenting a plan of action, they described the priorities on which the ICRC and the Federation will concentrate in the years to come, including publications, the annual celebration of World Red Cross and Red Crescent Day, new communication technologies and the Movement’s relations with the media. They reminded delegates of the need to obtain the support and increased participation of the National Societies in information projects.

After discussing this agenda item, the Council of Delegates passed a resolution which, *inter alia*, “invites the ICRC and the International Federation to work skilfully with all National Societies to deliver clear and concise messages to the world, inspired by the Fundamental Principles of the International Red Cross and Red Crescent Movement”. In addition, the ICRC and the Federation were called upon “to convene a geographically representative forum of key communicators from National Societies and, with outside advisory assistance if necessary, to produce a set of coherent project plans to run from 1996 to the millennium”; this forum, when it met in 1996, could also discuss the question of informing National Societies about direct contacts by the ICRC and the Federation with news agencies regarding campaigns or appeals (Resolution 6).

Children in armed conflicts

The Council of Delegates adopted a resolution which, deploring the fact that children under the age of fifteen are used as soldiers in many parts of the world, in violation of international law “urges the ICRC, National Societies and the International Federation to work for improved implementation, at the national level, of existing legal standards and increased dissemination thereof”. Endorsing the Plan of Action for the Movement, which aims to promote the principle of non-participation and non-recruitment of children below the age of 18 years in armed conflicts and to take concrete action to protect and assist child victims of armed conflicts, the Council requested the ICRC and the Federation to report on progress in implementing the Plan of Action to the Council of Delegates in 1997 (Resolution 5).

Henry Dunant Institute

After hearing the reports by the Chairman of the General Assembly of the Institute, Mr George Weber, and the Acting Director of the Institute, Mr Jiri Toman, the Council congratulated the Institute upon its 30 years of activity and upon its research, training and documentation services. The delegates adopted a resolution in which the Council, whilst taking note of the fact that the ICRC, the Federation and many National Societies had set up their own information, research and training systems, invited the ICRC, the Federation and the Swiss Red Cross, as the co-founding bodies of the Institute, to examine and redefine, before the end of 1996, the role and functions of the Institute so as to devote its intellectual, financial and material resources to activities that serve to clarify and illuminate the policies and strategies that are common to the Movement. Furthermore, the Council invited National Societies to give full support to the redefinition and reinforcement of the Institute and requested the co-founding bodies to report on progress to the 1997 Council of Delegates (Resolution 8).

Report of the Commission for the Financing of the ICRC

The Council of Delegates renewed for two years the mandate of this Commission, which was founded on the initiative of five National Societies. It thus confirmed the mandate of the National Societies of Australia,

Colombia, Costa Rica, Finland, Germany, Japan, the Libyan Arab Jamahiriya, and Sierra Leone and appointed as new members the National Societies of the Republic of Korea, Hungary, Lebanon and Zimbabwe.

The Council of Delegates also requested the Commission, currently chaired by Mr Markku Niskala (Finland), to review its role and working methods and to decide, together with the ICRC, upon the most appropriate procedures (Resolution 7).

Armed protection of humanitarian assistance

The Council of Delegates adopted a resolution taking note of the report submitted by the ICRC and the Federation, reiterating the basic principle that the components of the Movement do not use armed protection and endorsing the guiding principles laid down in the report (humanity, independence, impartiality, neutrality), particularly the minimal criteria set out for the exceptional use of armed protection of humanitarian convoys (Resolution 9).

Anti-personnel landmines

After a very lively discussion, the Council of Delegates adopted a resolution in which, after expressing its great concern about the indiscriminate effects of anti-personnel landmines and the consequences for civilians and humanitarian action, it urged all components of the Movement to work for a total ban on anti-personnel landmines, encouraged all measures to alleviate the suffering of victims and to remove mines already in place, invited National Societies to intensify contacts with their governments in order to obtain a total ban on anti-personnel landmines and requested the ICRC and the Federation to report to the 1997 Council of Delegates on progress made (Resolution 10).

Miscellaneous

The ICRC and the Federation took due note of the dissemination and application of the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief and the issue of refugees and displaced persons. Both

these matters were re-examined during the 26th International Conference and were the subject of resolutions (see pp. 69 *et seq.* and 60 *et seq.*).

Date and place of the next Council of Delegates

The Council of Delegates took note of the invitation by the Spanish Red Cross to host its next meeting in autumn 1997.

HENRY DUNANT MEDAL

During a ceremony which took place in Geneva on 2 December 1995, six people, three of them posthumously, were awarded the Henry Dunant Medal for the humanitarian services they had rendered. The recipients were:

- **Dr Hugo Ernesto Merino Grijalva**, former President of the Ecuadorean Red Cross;
- **Ms Jacqueline Briot**, of the French Red Cross;
- **Botho Prince of Sayn-Wittgenstein-Hohenstein**, Chairman of the Standing Commission of the Red Cross and Red Crescent;
- **Tunku Tan Sri Mohammed**, former Chairman of the Malaysian Red Crescent Society (posthumous award);
- **Professor Hans Haug**, former President of the Swiss Red Cross, former Vice-President of the International Federation and member of the International Committee of the Red Cross (posthumous award);
- **Dr Esmildo Gutierrez Sanchez**, former Secretary-General of the Cuban Red Cross (posthumous award).

These medals are awarded every two years to recognize and reward outstanding services and acts performed on behalf of the Movement. Criteria for receiving the award include incurring risks to help other people — risks which endanger life, health and personal freedom. These medals may also be awarded for a long period of service devoted to the Movement.

Since 1969, the Henry Dunant Medal has been awarded to 61 members of the Movement, including 16 on whom it was conferred posthumously.

Resolutions of the Council of Delegates

Geneva, 1-2 December 1995

1

26th INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

The Council of Delegates,

alarmed by the increasing number of vulnerable people continuously suffering from or threatened by man-made and natural disasters all over the world,

committed to the Movement's Fundamental Principles, which include humanity, neutrality, impartiality and independence, that enable it to act on behalf of the victims and vulnerable people and to advocate their cause,

emphasizing that it is necessary, in the interest of all those whom the Movement seeks to assist and protect, to strengthen the unique relationship between the Movement and the States party to the Geneva Conventions, which finds one concrete expression in the International Conference of the Red Cross and Red Crescent,

stressing that the International Conference is a forum for dialogue on humanitarian matters whose effectiveness for victims and vulnerable people depends on the participation of all those concerned with humanitarian issues, and that the 26th International Conference was convened in conformity with the Statutes of the Movement,

concerned to avoid a situation in which issues of a political nature may disrupt the International Conference or divide the Movement,

1. *reaffirms* its commitment to holding the 26th International Conference in 1995;
2. *appeals* to all participants in the International Conference, in the interest of all victims and vulnerable people, to safeguard its exclusively humanitarian

character, in particular by respecting the Fundamental Principles during the Conference, in conformity with the Statutes of the Movement;

3. *requests* all National Societies to convey this appeal to their respective governments at their earliest convenience;
4. *confirms* the commitment of all components of the Movement to act in conformity with the Fundamental Principles throughout the International Conference in order to preserve the unity of the Movement.

2

RED CROSS AND RED CRESCENT ACTION FOR PEACE

The Council of Delegates,

having considered the final report of the Commission on the Red Cross, Red Crescent and Peace on its activities since the 1991 session of the Council of Delegates in Budapest, and the Commission's recommendations,

recalling all the resolutions adopted and the efforts made to promote peace, in particular the "Programme of Action of the Red Cross as a Factor of Peace" and the "Fundamental Guidelines for the Contribution of the Red Cross and Red Crescent Movement to a True Peace in the World", adopted respectively by the World Red Cross Conference on Peace (Belgrade, 1975) and the Second World Red Cross Conference on Peace (Aaland - Stockholm, 1984),

reaffirming the importance of the preamble to the Statutes of the International Red Cross and Red Crescent Movement, which recalls the Movement's definition of peace and declares that "by its humanitarian work and the dissemination of its ideals, the Movement promotes a lasting peace, which is not simply the absence of war, but is a dynamic process of co-operation among all States and peoples, co-operation founded on respect for freedom, independence, national sovereignty, equality, human rights, as well as on a fair and equitable distribution of resources to meet the needs of peoples",

aware of the influence that the Movement, which upholds and propagates the values of tolerance, solidarity and dialogue, wields or can wield through its activities to reduce tension and prevent armed conflicts, thereby contributing to a climate conducive to peace,

stressing the need for the Movement to pursue its work in this regard and for the Movement's contribution to peace to be regularly re-examined in the light of constant changes in the present international situation and the new challenges to humanitarian action resulting from the increase in the number of both internal

and international conflicts and the concomitant sharp rise in violations of the fundamental rights of the individual,

1. *takes note* of the final report of the Commission and thanks it for its work and its contribution to the Movement's action for peace;
2. *reaffirms* the importance of implementing the resolutions adopted to promote peace and respect for human rights on the basis of the work and recommendations made by the Commission on the Red Cross, Red Crescent and Peace;
3. *requests* the National Societies, the ICRC and the International Federation, in cooperation with the Henry Dunant Institute, to pursue implementation of the "Programme of Action of the Red Cross and Red Crescent as a Factor of Peace", and of the "Fundamental Guidelines for the Contribution of the Red Cross and Red Crescent Movement to a True Peace in the World";
4. *calls upon* all components of the Movement to undertake specific actions to strengthen understanding between different cultures and ethnic, social, cultural and religious groups with a view to reducing tension and preventing conflict, in conformity with the study on minorities and conflict prevention presented by the Henry Dunant Institute;
5. *strongly recommends* the implementation of the proposals submitted by the Commission regarding children and respect for their rights, and supports in particular the pursuit of efforts in favour of children in armed conflicts and street children;
6. *recommends*, in particular, that National Societies draw the attention of their respective governments to the need for measures to be adopted nationally in order to punish the especially shocking abuse of children's rights constituted by child prostitution, particularly in the form that goes by the regrettable name of "international sex tourism";
7. *stresses and reaffirms* the importance of keeping issues linked to examination of the Movement's contribution to peace, particularly through activities conducive to reducing tension and preventing conflict, at the centre of the Movement's concerns;
8. *desires* that the Movement's role and attitude concerning the problem of arms transfers be studied and clarified;
9. *decides* to regularly include in its agenda an item on the promotion of activities contributing to peace and respect for human rights, in order to reassert the need for particular attention to be paid to these matters during its discussions, and *recommends* that its discussions on these issues be prepared by the Standing Commission or an *ad hoc* body that the latter may set up.

**FUTURE OF THE MOVEMENT:
REPORT OF THE POLICY AND PLANNING ADVISORY
COMMISSION ESTABLISHED BY RESOLUTION 1/1993**

The Council of Delegates,

recalling that its Resolution 1 of 1993 established the Policy and Planning Advisory Commission and confirmed the view that the Movement must adapt itself to changing world realities while maintaining and operating in accordance with the Fundamental Principles,

taking into account the decision expressed in Resolution 1 of 1993 to make progress towards the formal recognition and establishment of the Council of Delegates as the supreme deliberative body for internal matters of the Movement,

welcoming the report of the Policy and Planning Advisory Commission (Document 95/CD/6/1),

expressing satisfaction that the Advisory Commission reached the conclusions contained in its report by consensus,

1. *decides* to improve the preparation of its own agendas, and to devote these in the future to the definition of those policies and strategies which are common to the Movement's components and which require priority attention;
2. *requests* the Standing Commission to take due note of this decision; to make appropriate provision in the future for the Council of Delegates to meet for a sufficient period of time to allow it to debate and decide on policies and strategies of the Movement needing priority attention and to establish under the provisions of Article 18, para. 7, of the Statutes of the Movement an ad hoc body to prepare and ensure the follow-up to future Councils of Delegates;
3. *recommends* that the Standing Commission, led by its Chairman, play an active role within the Movement in fulfilling the functions assigned to it under Article 18, para. 3, of the Statutes, namely:
 - (a) to promote harmony in the work of the Movement and, in this connection, coordination among its components,
 - (b) to encourage and further the implementation of resolutions of the International Conference,
 - (c) to examine, with these objects in view, matters which concern the Movement as a whole and, in furtherance of this objective, to follow a policy of open, structured and regular communication with the compo-

nents of the Movement, notwithstanding that some matters are of a confidential nature;

4. *recommends* that the Standing Commission establish:
 - (a) independent secretarial support services with adequate facilities,
 - (b) under Article 18, para. 7, one or more *ad hoc* bodies to prepare and ensure the follow-up to future International Conferences,
 - (c) under Article 18, para. 7, an *ad hoc* independent body, as and when required, to arbitrate, with the agreement of the parties, differences between the components of the Movement where conciliation and mediation have failed,
 - (d) consultations with a representative group of government experts on all aspects of the use of the emblem and report to the Council of Delegates with the ultimate objective of reaching agreement with States;
5. *reaffirms* the commitment of the components of the Movement to recognize the statutory role of the Standing Commission in ensuring respect for the provisions of the Statutes of the Movement;
6. *endorses* the candidate profile for election to the Standing Commission drawn up by the Policy and Planning Advisory Commission, and commends it to all delegations to each International Conference of the Red Cross and Red Crescent;
7. *notes with satisfaction* the steps taken so far by the ICRC and the International Federation to improve mutual understanding and functional cooperation;
8. *considers* that steps should be taken by the ICRC, the International Federation, National Societies and States at the legislative, preventive and repressive levels to ensure greater respect for the emblem;
9. *further decides* to re-establish on a temporary basis an independent Advisory Commission, under the provisions of Article 14, para. 7, of the Statutes of the Movement, with a mandate until the next Council of Delegates, to:
 - (a) keep under review the implementation of the above recommendations concerning the Standing Commission and the Council of Delegates,
 - (b) review, in the light of the report of the Policy and Planning Advisory Commission (Document 95/CD/6/1) and of the results achieved through implementation of the above recommendations, the statutory provisions (including the Rules of Procedure) concerning the role, competencies and functioning of statutory bodies of the Movement; identify areas calling for potential clarification; if necessary, draw up subsequent proposals for statutory amendments; and report to the Council of Delegates,

- (c) follow developments in the field of functional cooperation between the ICRC and the International Federation, in close cooperation with the senior management of both institutions,
- (d) further develop proposals for a common strategy for the Movement,
- (e) work on a clear definition of the organization of the international activities of the Movement's components, on the basis of the Geneva Conventions, of the existing Statutes and of the Fundamental Principles; and, working closely with the senior management of the two Geneva-based institutions and in consultation with National Societies, draft an agreement between all components of the Movement, replacing the 1989 Agreement between the ICRC and the International Federation, for endorsement by the next Council of Delegates, which would bind all components of the Movement,
- (f) keep under review the external factors affecting the Movement; disseminate its findings to all components of the Movement; recommend how the process may be permanently institutionalized; and report to the Council of Delegates,
- (g) follow up those concerns of the Study Group on the Future of the Movement which have not yet been addressed;

10. *decides* that

- (a) the independent Advisory Commission shall be composed of 12 persons, the ICRC and the International Federation each appointing three members and the others coming from National Societies,
- (b) all members of the Advisory Commission shall be appointed *ad personam*; by joint decision of the Presidents of the International Federation and the ICRC and the Chairman of the Standing Commission, in consultation with the Chairman of the outgoing Policy and Planning Advisory Commission, the names of those appointed shall be announced within 60 days of this Council of Delegates,
- (c) the Advisory Commission shall elect its chairperson from among its members and take its decisions and make its recommendations by consensus,
- (d) the Advisory Commission shall have independent secretarial support services to assist it in its work;

11. *decides* that the financing of the budget of the new Advisory Commission shall be the joint responsibility of the International Federation, the ICRC and National Societies on the basis of 25% from the ICRC; 25% from the

International Federation and 50% through voluntary contributions of National Societies;

12. *requests*

- (a) the International Federation and the ICRC to address the issue of the organization and financing of the common bodies of the Movement, including the secretarial support services proposed in this resolution, with a view to achieving cost effectiveness and taking into account existing institutions,
- (b) the Bureau of the outgoing Policy and Planning Advisory Commission to take responsibility for ensuring the preparation of the new Advisory Commission's first meeting.

4

**REPORT OF THE ICRC AND THE INTERNATIONAL FEDERATION
ON THEIR FUNCTIONAL COOPERATION**

The Council of Delegates,

recalling that Resolution 1 of the Council of Delegates in 1993 called *inter alia* on the ICRC and the International Federation, in cooperation with the Policy and Planning Advisory Commission, to take immediate action to improve functional cooperation between the components of the Movement, taking into account the recommendations of the report of the Study Group on the Future of the Movement, and to report to the next Council of Delegates on progress made,

noting the close interrelationship between the report of the ICRC and the International Federation on functional cooperation, on the one hand, and the report of the Policy and Planning Advisory Commission, on the other,

1. *welcomes* the report submitted by the ICRC and the International Federation on their functional cooperation and the joint working process of the senior management of the two institutions to assess difficulties and develop solutions;
2. *invites* the ICRC and the International Federation to continue their joint working process so as to:
 - (a) further develop functional cooperation, based on the vision and goals outlined in this report,
 - (b) develop, on the basis of operational experience and their report on functional cooperation, proposals for elements to be included in the new

Agreement defining the organization of the international activities of the components of the Movement proposed in the report of the Policy and Planning Advisory Commission;

3. *invites* National Societies to support the development of functional cooperation both in their relations with the International Federation and the ICRC, within the framework of their respective mandates, and through the development of their own capacities to be used in international cooperation.

5

CHILDREN IN ARMED CONFLICTS

The Council of Delegates,

recalling Resolution IX of the 25th International Conference of the Red Cross (1986) entitled "Protection of Children in Armed Conflicts", Resolution 14 of the Council of Delegates (1991) entitled "Child Soldiers" and Resolution 4 of the Council of Delegates (1993) entitled "Child Soldiers",

also recalling with appreciation the study entitled "Child Soldiers" undertaken by the Henry Dunant Institute,

recognizing that the 1949 Geneva Conventions and the 1977 Additional Protocols, as well as Articles 38 and 39 of the 1989 United Nations Convention on the Rights of the Child, accord children special protection and treatment,

deeply concerned that children suffer particular hardship during armed conflicts,

taking note of the joint report of the International Federation and the ICRC on the implementation of Resolution 4 of the Council of Delegates (1993),

deploring that children under the age of 15 are used as soldiers in many parts of the world, in violation of international law,

1. *urges* the ICRC, National Societies and the International Federation to work for improved implementation, at the national level, of existing international legal standards and increased dissemination thereof;
2. *endorses* the Plan of Action for the Red Cross and Red Crescent Movement, prepared by the International Federation and the ICRC in cooperation with the Henry Dunant Institute, which aims to promote the principle of non-participation and non-recruitment of children below the age of 18 years in armed conflicts and to take concrete action to protect and assist child victims of armed conflicts;

3. *urges* all National Societies, the International Federation and the ICRC to implement or support the implementation of the Plan of Action;
4. *requests* the International Federation and the ICRC, in order to monitor and facilitate the implementation of the Plan of Action, to establish a coordinating group comprised of representatives of the International Federation, the ICRC and five National Societies implementing or supporting programmes for children in armed conflicts;
5. *requests* the International Federation and the ICRC to report on progress in implementing the Plan of Action to the Council of Delegates in 1997.

6

INFORMATION POLICY OF THE MOVEMENT

The Council of Delegates,

having examined the “Information Policy of the Movement, Work Plan 1995-1997” submitted to it pursuant to the request by the 1993 Council of Delegates (Resolution 10),

1. *welcomes* the increasing level of cooperation between the Communication divisions of the ICRC, the International Federation and individual National Societies;
2. *agrees* with the proposed action put forward in the Work Plan;
3. *notes* that, as communication is vital to the Movement’s work, the information policy approved by the Movement in 1989 needs amending and updating;
4. *believes* that, in view of new technology in matters of communication and great competition from other non-governmental organizations, a revised policy is needed;
5. *is anxious to ensure* that the Movement does not lose its share of attention from the general public, governments and the media to other global organizations communicating in a highly sophisticated manner;
6. *invites* the ICRC and the International Federation to work skilfully with all National Societies to deliver clear and concise messages to the world, inspired by the Fundamental Principles of the International Red Cross and Red Crescent Movement;
7. *salutes* the important role that the international media has in highlighting violations of international humanitarian law and the interest they show in the actions of the components of the Movement;

8. *bears in mind* that, in order to be effective, communication needs adequate resources;
9. *notes with concern*, however, that the request by the 1993 Council of Delegates (Resolution 10, operative paragraph 2) to work towards a communication policy for the Movement as a whole has not been totally fulfilled;
10. *requests* the ICRC and the International Federation to analyse, in consultation with the National Societies, further development of the communication policy of the Movement, taking into account both existing policy and the proposals with regard to the Movement's vision and goals put forward in the paper on functional cooperation submitted to the Council of Delegates by the ICRC and the International Federation;
11. *therefore calls upon* the ICRC and the International Federation to convene a geographically representative forum of key communicators from National Societies and, with outside advisory assistance if necessary, to produce a set of coherent project plans to run from 1996 to the millennium;
12. *also calls upon* the ICRC and the International Federation Secretariat to recognize the interest of National Societies in being informed of direct contacts with national news agencies regarding campaigns or appeals; to include this matter as a subject for discussion at the above-mentioned forum at its meeting in 1996; and to report the findings to both the Executive Council of the International Federation and to the ICRC's Assembly at appropriate meetings;
13. *appeals* to all National Societies to support this forum;
14. *invites* the Executive Council of the International Federation and the ICRC's Assembly to regularly review these plans at their meetings;
15. *asks* that a status report be reviewed by the Council of Delegates at its 1997 meeting;
16. *emphasizes* the importance of communication at all levels in order to promote the humanitarian values of the Movement and to be able to advocate real concern for the world's most vulnerable groups and victims of armed conflict;
17. *renames* the document for this item the "Information Work Plan for the Movement 1995-1997".

7

FINANCING OF THE ICRC BY NATIONAL SOCIETIES

The Council of Delegates,

having taken note of the report submitted by the Commission for the Financing of the ICRC,

being aware of the ever-increasing responsibilities of the Movement as a whole, and of the ICRC in particular, as regards implementing and promoting international humanitarian law and coping with the considerable expansion in operational activities stemming therefrom,

recalling the resolutions of successive International Conferences since 1948 and that of the Council of Delegates in 1991,

wishing to indicate its support for the ICRC in the pursuance of objectives to which the entire Movement is dedicated and which reflect the solidarity of all its components,

1. *renews* for two years the mandate of the Commission for the Financing of the ICRC, founded on the initiative of five National Societies;
2. *appoints*, as new members of the Commission, the National Societies of the Republic of Korea, Hungary, Lebanon and Zimbabwe;
3. *confirms* the mandate of the National Societies of Australia, Colombia, Costa Rica, Finland, Germany, Japan, the Libyan Arab Jamahiriya and Sierra Leone;
4. *requests* the Commission to review its role and working methods and to decide, together with the ICRC, upon the most appropriate procedures;
5. *thanks* the National Societies that provide support for the work of the ICRC;
6. *urges* all National Societies to take part in the effort to help the victims whom the ICRC has been mandated to protect and assist;
7. *requests* the Commission to report to it during the next meeting of the Council of Delegates in 1997.

8

HENRY DUNANT INSTITUTE

The Council of Delegates,

appreciating the 30 years of activity of the Henry Dunant Institute and its contribution to the strengthening of the Movement's unity and universality and to its development worldwide,

affirming the value of research and training,
noting the ever-growing number of efficient research and training institutions,
realizing the increasing possibilities of new information and communication technologies,

taking note of the fact that the ICRC, the International Federation and many National Societies have set up their own information, research and training systems,

1. *invites* the ICRC, the International Federation and the Swiss Red Cross, as the co-founding bodies of the Institute, to examine and redefine, before the end of 1996, the role and functions of the Henry Dunant Institute so as to devote its intellectual, financial and material resources to activities that serve to clarify and illuminate the policies and strategies that are common to the Movement;
2. *invites* National Societies to give full support to the redefinition and reinforcement of the Henry Dunant Institute;
3. *requests* the ICRC, the International Federation and the Swiss Red Cross to report on progress to the 1997 meeting of the Council of Delegates.

9

ARMED PROTECTION OF HUMANITARIAN ASSISTANCE

The Council of Delegates,

recalling Resolution 5 of the 1993 Council of Delegates calling upon the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies to form a joint working group to study the issue of armed protection for humanitarian assistance and asking that working group to report back to the ICRC and the International Federation, as well as to the Policy and Planning Advisory Commission,

being aware of the increased level of violence in many parts of the world which directly affects or is directed against victims of disaster, war and situations of internal violence, the most vulnerable in a situation of chronic need and those who seek to alleviate their suffering,

recalling the fundamental need for all actions of the Movement to reflect a spirit of humanity, neutrality, impartiality and independence,

being aware also of the need to ensure that urgent relief is delivered in a timely fashion to those who need it most,

1. *takes note* of the report submitted by the ICRC and the International Federation on the basis of the findings and recommendations of the above-mentioned working group;
2. *reiterates* the basic principle that the components of the Movement do not use armed protection;
3. *endorses* the guiding principles laid down in Section III of the report* and particularly the minimal criteria laid down for the exceptional use of armed protection of humanitarian convoys.

10

ANTI-PERSONNEL LANDMINES

The Council of Delegates,

deeply alarmed by the increasing number of innocent civilians affected by anti-personnel landmines,

taking into account Resolution 3 of the 1993 Council of Delegates,

1. *expresses* its great concern about the indiscriminate effects of anti-personnel landmines and the consequences for civilian populations and humanitarian action;
2. *urges* all components of the International Red Cross and Red Crescent Movement, in accordance with their respective mandates and within their capabilities, to work for a total ban on anti-personnel landmines which, from a humanitarian viewpoint, is the only effective solution;
3. *invites* National Societies to intensify contacts with their respective governments in order to obtain a total ban on anti-personnel landmines;
4. *encourages* all measures to alleviate the suffering of victims and to remove mines already in place;
5. *requests* the ICRC and the International Federation to report to the 1997 meeting of the Council of Delegates on progress made in introducing a total ban in international law and in alleviating the suffering of victims.

* Doc. 95/CD/12/1, p. 8.

International Committee of the Red Cross

EDITORSHIP OF THE REVIEW

JACQUES MEURANT RETIRES

At the end of 1995, the International Committee of the Red Cross bade farewell to Jacques Meurant, editor-in-chief of the *International Review of the Red Cross* since 1986. At the end of a career spanning more than thirty years in the service of the International Red Cross and Red Crescent Movement, including ten years in charge of the *Review*, Mr Meurant is leaving for a well-deserved retirement.

After studying literature and political science at university and then working for some time as a teacher, Jacques Meurant joined the staff of the French Red Cross. In 1962, he was appointed to the Secretariat of the League of Red Cross Societies (now the International Federation of Red Cross and Red Crescent Societies) in Geneva, where for many years he was Special Adviser to the Secretary General on legal and statutory matters. In 1979, he succeeded Jean Pictet as Director of the Henry Dunant Institute. Then in early 1986, following the departure of Michel Testuz, the ICRC called on Jacques Meurant to take over as editor of the *International Review of the Red Cross*.

It was a good choice and the *Review* flourished under the direction of the new editor-in-chief, first of all in terms of content: the index to the ten annual volumes prepared by Jacques Meurant testifies to the wealth of subjects covered. The *Review* also extended its readership by adding an Arabic-language and more recently a Russian-language edition to the existing versions in French, English, German and Spanish. While following the course set by such illustrious predecessors as Gustave Moynier and Jean-Georges Lossier, Jacques Meurant developed the *Review* still further, making it an effective means of communication between the various components of the Red Cross and Red Crescent Movement, the governments of the States party to the Geneva Conventions, the academic world and — an important consideration — the volunteers who dedicate themselves to the cause of the Red Cross.

In this last issue prepared by Jacques Meurant, the *Review* chronicles the meetings of the Council of Delegates and the 26th International Conference of the Red Cross and Red Crescent held in Geneva between 1 and 7 December 1995. What a happy coincidence! In summarizing the debates and publishing the resolutions passed by the 26th Conference and the Council of Delegates, he has been able, once again, to cover all the subjects which are of concern to the Movement today. And who could be better placed than he to give an overview of them?

On behalf of the Committee, I should like to extend my warmest thanks to Jacques Meurant for the valuable part he has played in promoting the ideals of the Red Cross.

VIVE VALEQUE!

Cornelio Sommaruga
President of the International Committee
of the Red Cross

NEW EDITOR-IN-CHIEF FOR THE *REVIEW*

Hans-Peter Gasser was born in Zurich, Switzerland in 1939. He is a Swiss national, married and has two sons, who are at university. After attending primary and secondary schools in Zurich, Mr Gasser read law at the University of Zurich and received a doctorate in 1965. He also holds a Master of Law (LL.M.) degree from Harvard Law School (United States).

Mr Gasser began his professional life as a clerk at the Winterthur District Court in the Canton of Zurich. He then worked as a lawyer in the Swiss Federal Department of Public Economy and later as Deputy General Secretary of the Swiss Science Council. In 1970 he joined the ICRC and was posted as a delegate in the Middle East, where he acquired sound practical experience during two years' field work in Israel and the occupied territories. He was appointed Head of the ICRC's Legal Division in 1977 and remained in charge of it for almost five years. From 1983 to 1995 he was Senior Legal Adviser to the ICRC and was attached to the staff of the Director of the Department for Principles, Law and Relations with the Movement. His duties in that capacity were many and varied; he was above all responsible for promoting the ratification by States of the 1977 Protocols additional to the Geneva Conventions. This task enabled him to establish close and regular contact with many governments and National Red Cross or Red Crescent Societies throughout the world.

Mr. Gasser has written articles on various aspects of international humanitarian law, some of which have appeared in the *International Review of the Red Cross*. He has also written an introduction to international humanitarian law which has been published in several languages, and regularly gives lectures on international humanitarian law for academic audiences.

FOCUS ON HUMANITY

A Century of Photography

*Archives of the International
Committee of the Red Cross*

by Nicolas Bouvier,
Michèle Mercier, François Bugnion

The photographs contained in the archives of the International Committee of the Red Cross tell the story of people caught up in conflict, both victims and relief workers. They are the record of a century marked by deeds of extreme heroism as well as utmost infamy, bringing hope as well as despair.

This book reflects the evolution of international humanitarian law and role of visual images in humanitarian action.

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Whatever the changes in ways of making war, human suffering and the age-old gesture of compassion towards one's fellows remain the same.

24 × 30 cm, 150 pages, 130 illustrations, hardbound with illustrated jacket
— Skira, 1995 (in *English* and in *French*)

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IN THE *INTERNATIONAL REVIEW OF THE RED CROSS*

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