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INTERNATIONAL REVIEW

OF THE RED CROSS



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*The International Review of the Red Cross
wishes its readers
all the best for 1994*

INTERNATIONAL REVIEW OF THE RED CROSS

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A TIME FOR DECISION

Thousands of civilians were killed or wounded by mines during the conflict in Afghanistan and their number has continued to rise since the end of the conflict, now that refugees are trying to return home. Thousands of children have been maimed, have had limbs amputated and been disabled for life. Using current mine-clearing techniques, it would take 4,300 years to render only twenty per cent of Afghan territory safe — a statistic which conveys an immense feeling of helplessness in the face of such an unprecedented disaster.

This tragic picture which the delegates of the Afghan Red Crescent Society described, amidst deep silence, to the participants at the Council of Delegates in Birmingham last October and the detailed reports by the National Societies — especially from those countries which have to live with this horror day after day — lent a sombre tone to the work of the Council of Delegates; indeed the very depth of that silence conveyed the Movement's concern over the gravity of current events in the world and, particularly, the magnitude of its task in combatting the unacceptable or, even worse, the trivialization of evil.

However, within the Movement there is no room for compassion fatigue, according to the words of Her Majesty Queen Elizabeth II, the Patron of the British Red Cross, who honoured the meeting with her presence. It must continue to protect and assist victims, come what may, like the volunteer workers of the Somali Red Crescent Society which was awarded the Red Cross and Red Crescent Prize for Peace and Humanity in recognition of the remarkable work it accomplished during the hostilities and famine in Somalia. The Council of Delegates also paid due tribute to the volunteer workers of many National Societies and congratulated the ICRC and Federation delegates on their humanitarian achievements.

It may have been the fact that several dedicated and courageous delegates and volunteers had lost their lives or been injured in the

course of duty that spurred the Council to show greater determination, in its discussions and conclusions, to denounce those responsible for grave breaches of humanitarian law and mobilize governments to put the Final Declaration of the International Conference for the Protection of War Victims into practice. While it urged States to seek effective means of stopping the indiscriminate use of mines and called on them to do so at the forthcoming Review Conference on the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Excessively Injurious Weapons, it also encouraged the National Societies, the ICRC and the Federation to intensify their efforts to provide means, equipment and staff for the medical treatment and rehabilitation of mine victims.

Some States, disregarding the basic rules of humanitarian treaties, do nothing to prevent children from being recruited and supplied with weapons during armed conflicts. The Council therefore asked the National Societies to encourage their respective governments to ratify the Convention on the Rights of the Child; it also requested the ICRC and the Federation to implement a Plan of Action aimed at promoting the principle of non-recruitment and non-participation of children below the age of eighteen in armed conflicts and to take concrete action to protect and assist child victims of such conflicts.

Furthermore, many Council resolutions point to the need to maintain the true purpose of humanitarian work, i.e. to serve the interests of the victims and their interests alone. To this end, the Council considered it appropriate to stress that humanitarian assistance is governed by principles which stipulate both the duties of States and the rights of victims and humanitarian organizations. It also considered that it would be useful for organizations engaged in disaster relief operations, whatever the cause of the disaster, to comply with a Code of Conduct approved by the Council; this Code will have to be submitted for approval by the main humanitarian organizations involved in emergency assistance operations.

It is becoming imperative to include tolerance as part of educational programmes if the rise in xenophobia and racial or ethnic discrimination is to be effectively curbed, especially in countries receiving refugees and asylum seekers. It is vital that the Movement's Fundamental Principles be understood and respected as an ethical charter for the Red Cross and Red Crescent; teaching of the Principles and of international humanitarian law must be intensified so as to reach all sectors of the public, with special emphasis on military personnel. According to Mr. Sommaruga, who chaired the meeting, a

greater impetus must undoubtedly be given to dissemination in order to attain a culture based on solidarity and tolerance.

Can the Council of Delegates improve upon and obtain consensus in the dialogue that is so essential between all the components of the Movement? The latest meeting, which was extremely well organized by the British Red Cross, is perhaps a promising indication, to judge by the importance of the subjects dealt with and the active participation by a high number of National Societies from all parts of the world. This aspect will have to be looked into again when examining the entire set of recommendations put forward by the Study Group on the Future of the Red Cross and Red Crescent Movement. The meeting devoted much attention to the report of this Group. As the year 2000 approaches, the Movement must ponder on its future and adapt to the realities of a constantly changing world; at the same time, it must retain its own specific character and adhere to its Fundamental Principles to ensure that it works for the disadvantaged as effectively and consistently as possible.

These recommendations for the Movement, which are “evolutionary and not revolutionary”, will be studied by a Policy and Planning Advisory Commission. A long and uphill task, but a necessary one, if the Movement is to adapt successfully and be able to face the challenges of the third millennium in an open, confident and self-assured manner.

The Review

Statutory Meetings of the Movement

COUNCIL OF DELEGATES

(Birmingham, 29-30 October 1993)

The Council of Delegates held its biennial meeting on 29 and 30 October 1993 in Birmingham, England. Some 500 delegates from 148 National Societies were present, as were delegations from the ICRC and the Federation. The latter were led by their respective Presidents, Mr. Cornelio Sommaruga and Mr. Mario Villarroel Lander.

I. OPENING SESSION

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

In his address to the delegates, Prince Botho said that the Movement faced an unprecedented challenge and must redouble its efforts to meet that challenge. "The higher the level of efficiency we reach in our work and the stronger the evidence of our active solidarity with the vulnerable," he said, "the more we will be listened to". To achieve this end, the universal network of the Red Cross and Red Crescent Societies must be strengthened, ever more volunteers must be recruited, and activities must continue to comply with the Fundamental Principles.

Raising the problem of frequent infringement of minority rights, he said that the Movement should encourage the National Societies to assist minorities and help reduce tension, while strictly observing the principles of neutrality and impartiality. The same applied to immigrants, asylum-seekers and refugees, he said.

Concluding his address, Prince Botho made two appeals, one to the media to pay more attention to the examples of courage and "active compassion" for people in distress, the second to those who wield political power, calling on them to devote greater resources to research into conflict prevention and ways of reducing violence.

The assembled delegates then proceeded to elect ICRC President Cornelio Sommaruga as Chairman of the meeting, Federation Vice-President Judge Darrell D. Jones of Canada as Vice-Chairman and Mr. Olivier Dürr of the ICRC and Ms. Yolande Camporini of the Federation as secretaries.

In his opening address the ICRC President stressed the importance of the Movement's Fundamental Principles. "We must endeavour", he said, "to recognize them as the vital force that inspires the humanitarian mission".

The independence of the National Societies from their respective governments was, he remarked, a very important matter that concerned the Movement as a whole. The very credibility and survival of the Movement was at stake, as the corporate identity of the Red Cross and Red Crescent was yet to become a reality.

A National Society's independence was primarily a moral attitude. To the question whether the notion would be more readily understood if one were to speak instead of "autonomy", Mr. Sommaruga replied that perhaps it would but that independence, like all the other Fundamental Principles, was an ideal towards which one had constantly to strive. The important thing was to maintain one's commitment without antagonizing political forces.

Humanitarian action must not be used to attain political goals. On the contrary, political forces should have a constant interest in supporting independent, impartial and neutral humanitarian action.

The Red Cross and Red Crescent, Mr. Sommaruga concluded, must find new ways of approaching its task and revive the pioneering spirit of Henry Dunant so as to achieve the Movement's primary objective: to uphold the intrinsic value of the individual.

II. PROCEEDINGS

The Council then took up its agenda. The following is a summary of its deliberations on the various items.

1. Future of the Movement

Resolution 1 of the 1991 Council of Delegates called for the setting-up of a study group with the following mandate:

- “1. To review, study, research and discuss current and future trends and issues in the humanitarian field with a view to achieving common positions on matters of concern to all components of the Movement.
2. To study governing and operating structures of the Movement and to suggest appropriate courses of action which will enable the Movement to carry out its humanitarian mandate with the utmost effectiveness and cohesion.”

Under the chairmanship of Mr. Gudjon Magnusson, President of the Icelandic Red Cross, the nine-member group met seven times.

Its discussions focused on the following issues:

- external changes modifying the environment in which the Movement's components act;
- new challenges facing the Movement;
- the governing structures of the Movement;
- the promotion of new attitudes and cultural changes within the Movement;
- improving functional cooperation between the Movement's components.

Mr. Magnusson presented the Study Group's report and recommendations to the Council of Delegates. The main recommendations gave rise to lively debate. They are summarized below.

- The Council of Delegates should be the Movement's supreme deliberative body for internal matters. It should set priorities for review policy.
- The International Conference of the Red Cross and Red Crescent should in future concentrate on matters of common interest to the Movement and to States. The Conference should be renamed to reflect this change.
- A policy and planning advisory commission should be set up to study suggestions from the Movement's components and formulate, by consensus, recommendations for submission to the decision-making bodies. Among other things, it should study matters relating to the use of the emblem and the functions of the Standing Commission.
- The Movement's response to the reality of military intervention to make peace, to keep peace and to protect humanitarian action should be thoroughly analysed and a policy defined.

- The Movement should do more to promote knowledge of the specific nature of the protection which international humanitarian law affords to the victims of conflict.

The Study Group's report was greatly appreciated and its recommendations supported by many delegates. Some said that, while certain recommendations should be implemented immediately, others required further consideration.

The discussions ended with the adoption of a resolution taking note of the report. It was decided to set up a policy and planning advisory commission with the following tasks:

- to study policy matters of interest to all the Movement's components and to examine possible courses of action;
- to work out procedures for establishing the Council of Delegates as the Movement's supreme deliberative body for internal matters;
- to set up an appropriate independent secretariat to assist it in its work;
- to ensure that the Study Group's report is followed up;
- to report on these matters twice a year to the ICRC Assembly and the Federation's Executive Council;
- to report to a joint meeting in 1994 of the ICRC Assembly and the Federation's Executive Council as well as to the 1995 Council of Delegates.

The new Advisory Commission, which will comprise 12 members (three from the ICRC, three from the Federation and six from the National Societies) appointed in a personal capacity, was also mandated to study the functions of the Standing Commission.

The Presidents of the Federation and the ICRC were asked to appoint a small group to draw up, by 30 April 1994, a draft agenda for the first meeting of the Commission.

The Council also decided that the Commission on the Red Cross, Red Crescent and Peace should continue its activities until its mandate expires in 1995.

2. Protection and humanitarian assistance in armed conflicts

(a) Protection of war victims

The ICRC presented a report on the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 Sep-

tember 1993.¹ The Conference was widely described as a success, but that success will ultimately be measured in terms of the action taken on the recommendations contained in the Final Declaration.

The significance of the Conference did not escape the delegates, who spoke at length about the outcome, stressing the various aspects of conflict prevention, including dissemination, the need to promote respect for the emblem, and the importance of taking steps to ensure compliance with international humanitarian law and to repress violations.

Emphasis was placed on the role that the National Societies and their Federation could play in encouraging States to meet the commitments made in the Final Declaration. As an ICRC representative put it in his concluding remarks, “the important thing is to maintain the power of emotion to counter indifference and apathy”.

The resulting resolution urgently requested the National Societies, the ICRC and the Federation to do everything possible, including mobilizing governments, to ensure that the Final Declaration was followed up by tangible measures. The ICRC was asked to work with the Federation to support the intergovernmental group of experts set up by the Conference to study practical means of promoting full respect for humanitarian law.

(b) Mines

A symposium on anti-personnel landmines was held in Montreux, Switzerland, in April 1993 to pool the information and ideas necessary for coordinating the future activities of organizations working to help mine victims and to take preventive action. More specifically, the participants were expected to describe as accurately as possible current practice in mine use and its consequences; to study existing means of limiting the use of mines and relieving the suffering of mine victims and to identify shortcomings; to determine the best way of remedying the situation; to devise a strategy to coordinate the activities of the various organizations involved; and, finally, to draw up a report on the meeting to serve as a reference document for future work.

The report was sent to all governments in August 1993.

The symposium made recommendations concerning a number of areas in which the National Societies can play an important role. They could, for example, help develop and distribute items to be used by surgeons and other medical personnel in the treatment and rehabilitation of mine

¹ For details, see the September-October 1993 issue of the *Review* (No. 296, pp. 355-445) which was largely devoted to the Conference.

victims. They could gather information on the long- and short-term social and economic damage done by anti-personnel mines, and work to raise awareness of the problem among government authorities and the general public. Finally, the National Societies have an important contribution to make in rehabilitating mine victims in their own countries.

The report presented by the ICRC elicited much comment, especially from National Societies of countries such as Afghanistan which are directly confronted by the medical, social and economic problems caused by mines. Some delegates stressed the need to revise the 1980 UN Convention on the use of certain conventional weapons, while others felt that action should be taken at the level of those who produce and sell arms.

The resolution adopted on this subject urges States which have not yet done so to ratify the 1980 Convention and to seek, during the forthcoming Review Conference on the Convention, effective means of dealing with the problem of mines by reinforcing the Convention's provisions and introducing implementation mechanisms. The resolution invites the National Societies to approach their governments to this end and to take specific steps to help mine victims.

(c) Dissemination of international humanitarian law and of the principles and ideals of the Movement

A member of the ICRC presented the report on this important subject. It focused on the action taken to implement the recommendations on dissemination made in the Guidelines for the '90s, adopted by the 1991 Council of Delegates.

Indeed, the National Societies have stepped up dissemination within their own organizations with training programmes for leading officials, staff and volunteers. Others have devised programmes to reach young people through their schoolteachers.

The ICRC, for its part, concentrated its dissemination activities on emergency or high-risk situations, giving priority to combatants. Owing to the growing confusion that characterizes current conflict situations, these programmes had to be especially adapted to difficult political and cultural contexts.

The Conference for the Protection of War Victims showed how important it is to work with defence ministries and military academies to improve dissemination within the armed forces.

Delegates from National Societies and the Federation shared their experience in the area of dissemination. They placed particular emphasis

on instruction to the armed forces and reaching young people, expressing the view that dissemination should be incorporated in national education programmes at various levels.

The Federation reaffirmed its willingness to help the ICRC in the promotion and development of international humanitarian law and to cooperate closely in dissemination activities aimed at National Societies. The Federation placed particular stress on dissemination in the educational environment.

This discussion highlighted the need to step up efforts to devise appropriate dissemination programmes to reach all target groups.

(d) Child soldiers

Child soldiers are a cause of great concern for the Movement. The Council of Delegates was invited to comment on a study of the problem prepared for the Henry Dunant Institute. On the basis of research carried out at first hand in the field, the authors examined the factors that lead some States and other entities to send children to war. They concluded that children who take part in hostilities are subject to psychological, social, cultural, religious and material influences as well as simple coercion, and looked in detail at the long- and short-term consequences of that participation. The study set out and explained the applicable rules of international humanitarian law in a clear and easily understood form, and proposed mechanisms that could ensure monitoring and compliance.

Finally, the study made recommendations aimed at promoting the principle that there should be neither recruitment nor participation, whether voluntary or forced, of children in hostilities. The recommendations also addressed the physical and psychological consequences of such participation, the need to improve compliance with national and international law on the subject and, above all, the importance of spreading knowledge of existing rights, rules and procedures, an area in which the National Societies, NGOs and the media have a responsibility.

Taking note of this study, the Council adopted a resolution urging all the Movement's components to assist children exposed to the effects of armed conflict. The ICRC and the Federation were asked to draw up and implement a plan of action for the Movement aimed at promoting the principle of non-recruitment and non-participation of children under 18, and to take practical action to protect and assist child victims of armed conflict.

(e) Armed protection of humanitarian assistance

The Council of Delegates also considered the problems caused by the conditions in which humanitarian operations have had to be carried out on several occasions in disaster situations. It appealed to the United Nations and governments employing military force in order to ensure the implementation of UN resolutions to use personnel who have, as part of their training, received proper instruction in humanitarian law.

It also recommended that the various components of the Movement, when faced with the possibility of undertaking operations under armed protection, should take into account the long-term interests of the victims and the Movement's Fundamental Principles. Finally, it asked the ICRC and the Federation jointly to articulate the Movement's policy and practice on the delivery of humanitarian assistance under armed protection.

3. Humanitarian assistance in peacetime

(a) Code of conduct for humanitarian assistance

As part of the discussion on humanitarian assistance in peacetime, the Federation reported on its work since 1991 to coordinate non-governmental relief for victims of peacetime disasters and to prevent such disasters from occurring.

The Council of Delegates then turned its attention to the draft Code of Conduct for organizations bringing humanitarian relief to the victims of natural and man-made disasters. This text, which was drawn up by the Federation in conjunction with a number of humanitarian organizations, was not initially intended to cover situations of armed conflict. However, the ICRC and the Federation agreed that it would be appropriate to include such situations and the ICRC lent its support to the project.

The Council adopted the Code of Conduct, which lays down a series of principles to guide the Movement and NGOs in their disaster-relief work, and contains recommendations for the governments of the countries affected, donor governments and international organizations.

The Council urged the Federation and the ICRC to promote implementation of the Code within the Movement and to encourage its adoption by other disaster-relief organizations. It also urged all the Movement's components to bring the Code to the attention of the governments.

(b) The Movement, refugees and displaced persons

The work of the various components of the Movement in behalf of refugees and displaced persons has grown considerably over the past two years. This fact was attested to by the joint ICRC/Federation report on the two institutions' main activities in 1992-1993, which included an account of the difficulties they had faced. Given that violations of international humanitarian law are one of the causes of mass population displacement, the report recommended that the Movement, and in particular the ICRC, take preventive measures as well as providing protection and assistance. In addition to ensuring the survival of large groups of displaced people by meeting their most urgent needs, the Movement's strategy should include approaches to the civilian and military authorities concerned to improve compliance with humanitarian law.

The deliberations culminated in a resolution which, among other things, invited the various components of the Movement to promote the protection of refugees, asylum seekers and displaced persons, regardless of their status, and to train and inform staff and volunteers appropriately. The National Societies were strongly encouraged to set up emergency assistance programmes for such victims.

(c) Women in Red Cross/Red Crescent development

The Council of Delegates took note of a document prepared by the Federation on updating the Strategic Work Plan for the Nineties as far as women are concerned. The objectives are twofold:

- to ensure that women as well as men benefit from traditional activities and that these activities contribute to reducing the vulnerability of women;
- to help National Societies draw up and carry out special programmes for women (and, in certain cases, for men) where their economic, social and cultural situation so requires, especially for capacity-building.

The document also contained a report on Federation and National Society activities in behalf of women as a major beneficiary group for Red Cross/Red Crescent development programmes.

4. Use of the emblem by National Societies

A report drawn up by the ICRC in cooperation with the Federation presented the results of the questionnaire sent to the National Societies

in December 1992 regarding the applicability and application of the Regulations on the use of the emblem of the red cross or the red crescent, adopted by the Council of Delegates in November 1991.

These regulations have not yet come into force everywhere and in their replies several National Societies related difficulties in interpreting and applying certain provisions. These remarks were corroborated by some of the delegates.

The Council therefore adopted a resolution encouraging the National Societies to continue to submit any questions regarding compliance with and interpretation of the 1991 Regulations to the ICRC and the Federation. It also urged the National Societies to ensure that the emblem was indeed used in conformity with international humanitarian law and those Regulations.

5. Respect for and dissemination of the Fundamental Principles of the Movement

After studying the final report on this subject, the Council of Delegates reaffirmed the importance of the Fundamental Principles as an ethical charter for the Red Cross and Red Crescent, and asked the ICRC, in cooperation with the Federation, to help the National Societies implement the Principles, especially when they are under pressure to do otherwise.

The Council also asked the National Societies, in cooperation with the ICRC and the Federation, to develop and intensify their activities to spread knowledge of the Principles at the national, regional and international levels.

6. Information policy of the Movement

The report presented by the ICRC and the Federation covered the two institutions' joint activities in this regard over the past few years, as well as ongoing projects. In response to technological progress and changing needs, both have restructured their information and public relations services and revised their communication strategies. This was necessary to meet the demand for more openness while preserving the Movement's credibility and safeguarding its identity and image.

The National Societies expressed the wish that the Movement's information policy be further unified and proposed that a communication policy and plan of work be drawn up.

7. Commission on the Red Cross, Red Crescent and Peace

Mr. Maurice Aubert, Commission Chairman and member of the ICRC, presented the Commission's report on its work over the previous two years.

During the period under review the Commission closely examined the concept of the right to humanitarian assistance, the problem of refugees and displaced people and the Movement's role in promoting respect for human rights. It also examined a study that it had asked the Henry Dunant Institute to carry out on the role of National Societies in preventing problems involving minorities.

The Council of Delegates took note of the report and the complementary report and approved the Commission's decision to maintain its present composition in order to complete its work by the time its mandate ends in 1995.

Finally, the Council adopted a resolution on the principles of humanitarian assistance which had been proposed by the Commission.

8. Report on the activities of the Henry Dunant Institute

The Council of Delegates took note of the Henry Dunant Institute's report on its activities and congratulated it on the work done in the fields of training and publication.

In particular, the delegates heard an account of the Institute's research on minorities, conflict prevention, training for Red Cross and Red Crescent Youth leaders and voluntary service in today's society, as well as a report on the study carried out for it on child soldiers.

9. Expo '92 in Seville

The Council of Delegates took note of a report presented by the President of the Spanish Red Cross on *Expo '92* and on the Red Cross and Red Crescent pavilion in Seville. The Council paid tribute to the Spanish Red Cross and its President.

* * *

The Council of Delegates meeting was honoured by a visit on 30 October from H.M. Queen Elizabeth II, Patron and President of the British Red Cross, who gave the following address:

Her Majesty Queen Elizabeth II addresses the Movement

As Patron and President of the British Red Cross Society, I am delighted to welcome you all to the United Kingdom and to Birmingham. I have always been proud of my association with the Red Cross and, as Head of the Commonwealth, it gives me special pride and pleasure to see so many Commonwealth Societies represented here.

Down the ages, successive generations have taken the view that change in their lifetimes has been more dramatic than ever before. 'Twas ever thus, but there is no doubt that, in our lifetimes, a revolution in communications has enabled us to see all too vividly the scale of suffering endured by the victims of natural and man-made disasters across the globe.

That, perhaps, is just one of the reasons for your growth, from 62 National Societies to over 160, in the 47 years since you last met in this country. It is, to say the least, encouraging that the Red Cross and Red Crescent Movement, always the rock on which the world's efforts to give help and comfort to our fellow human beings is founded, is still growing in size and scope.

You are, of course, uniquely qualified, as the world's largest humanitarian organization, to provide this life-saving help and comfort. The protection, medical assistance, and tracing services of the International Committee, and the relief coordinated by the Federation are vital for the survival of countless men, women and children in all continents.

But what, perhaps, is less well recognised is the untiring work of the National Societies in caring for the daily demands of their own populations: for the sick, the injured, for the disabled people, the old, for refugees and for children.

Within this Movement, you have no truck with that depressing and cynical phrase "compassion fatigue": on the contrary, the human and material resources you devote to the relief of hardship grows greater each year.

This is especially admirable in view of recent instances where dedicated and courageous members of the Movement have lost their lives in the course of duty. I pay tribute to them, and I deplore the disregard for the Geneva Conventions which brought about their death.

I call today on all involved in armed conflict to recognize the neutrality, impartiality and independence of the Red Cross and Red Crescent Movement. The sanctity of your emblems, and the freedom for those engaged in your work to do so without challenge of fear, must be respected.

Two centuries ago, Robert Burns wrote that "Man's inhumanity to man makes countless thousands mourn". True then, it is still more true now, as millions, not thousands of us can count the cost of man's inhumanity on our television screens each day.

I pray that, following your example, mankind may turn aside from this inhumanity, and learn to live by the noble principles that guide and direct your Movement.

The Queen presented the Red Cross and Red Crescent Prize for Peace and Humanity to Mr. Ahmed Hassan, President of the Somali Red Crescent, in recognition of the remarkable work carried out by the Society in connection with the conflict and famine that have ravaged its country.

In another ceremony, Botho Prince of Sayn-Wittgenstein-Hohenstein, acting in his capacity as Chairman of the Standing Commission, awarded the Henry Dunant Medal to fourteen individuals (*see inset, p. 487*). Eight of the medals were awarded posthumously, seven of them to ICRC delegates and employees. One of the recipients was Dr. Ahmad Abu-Goura, outgoing Chairman of the Standing Commission, who made a farewell address in which he encouraged the delegates to step up their efforts to make peace a reality for all peoples of the world.

* * *

This session of the Council of Delegates, admirably organized by the British Red Cross, benefited from the active participation of National Societies aware of the challenges today facing the Movement. It was an opportunity to discuss, in a constructive atmosphere, matters of vital importance for the Movement's future.

In a message of thanks, the Council expressed its gratitude to H.M. Queen Elizabeth II and to the officials, staff members and volunteers of the British Red Cross.

HENRY DUNANT MEDAL

The Henry Dunant Medal was awarded to 14 people, including eight to whom it was awarded posthumously:

- H.E. Dr. **Ahmad Abu-Goura**, President of the Jordan National Red Crescent Society (1964-1993), member of the Standing Commission of the Red Cross and Red Crescent since 1977 and then its Chairman from 1981 to 1993. He took active part in directing major refugee relief operations and played a decisive role in promoting an international spirit of peace and harmony.
- Mr. **Arthur Brian Hodgson**, Director General of the British Red Cross from 1970 to 1975, adviser to the British Red Cross since 1975 and consultant to the Federation from 1982 to 1991.
- Dr. **Pedro José Manrique Lander**, an active member of the Venezuelan Red Cross since 1954, President of the Venezuelan Red Cross from 1982 to 1984, its First Vice President from 1984 to 1988 and Second Vice President from 1988 to 1992.
- Mr. **Abdul Qadar**, assistant nurse employed since 1988 at the ICRC delegation in Peshawar, Pakistan, seriously wounded on 21 July 1990 in the course of his humanitarian work and since then permanently disabled.
- Ms. **María Luisa Torres de la Cruz**, spent 62 years in the service of the Chilean Red Cross, of which she was President from 1984 to 1993. She played a major role in developing health activities, nursing care and relief work.
- Mr. **Mohammed Zaboora**, assistant nurse employed since 1989 at the ICRC delegation in Peshawar (Pakistan), seriously wounded in the course of his humanitarian work and since then permanently disabled.

Posthumously

- Mr. **Wim van Boxelaere**, ICRC delegate of Belgian nationality, killed on 11 December 1991 in Mogadishu in the course of his humanitarian work.
- Ms. **Susanne Buser**, ICRC nurse, victim of an ambush in Sierra Leone on 27 August 1993 in the course of her humanitarian work.
- Mr. **Jon Karlsson**, nurse, carried out assignments to several ICRC hospitals abroad; he was killed on 22 April 1992 in Afghanistan in the course of his duties.
- Mr. **Michel Kuhn**, ICRC delegate since 1982; he died in a plane crash on 28 August 1993 in the course of his humanitarian work.
- Ms. **Sarah Veronica Leomy**, nurse, local ICRC employee, victim of an ambush in Sierra Leone on 27 August 1993 in the course of her humanitarian work.
- Mr. **Kurt Lustenberger**, ICRC delegate, mortally wounded on 14 January 1993 in Somalia in the course of his duties.
- Mr. **Frédéric Maurice**, ICRC delegate, killed in Sarajevo in the course of his humanitarian work.
- Dr. **Jock Sutherland**, Federation delegate, director of the hospital in Kalabagh, Pakistan; he was found dead at his duty station on 12 January 1993.

Resolutions of the Council of Delegates

1 REPORT OF THE STUDY GROUP ON THE FUTURE OF THE MOVEMENT

The Council of Delegates,

confirming the viewpoint expressed in Resolution 1/91 that the Movement must adapt itself to the changing world realities while maintaining and operating in accordance with the Fundamental Principles,

having taken note of the report of the Study Group on the Future of the International Red Cross and Red Crescent Movement constituted pursuant to the above-mentioned Resolution,

noting with satisfaction that the Study Group has reached a consensus on various recommendations intended to improve the performance of the Movement and make it better able to resolve tomorrow's difficulties,

1. *considers* that some of the recommendations could be implemented immediately while others require more in-depth study and analysis;
2. *considers* that the Study Group has fulfilled its mandate and thanks it for its services;
3. *decides*, in order to make progress towards the formal recognition and the establishment of the Council of Delegates as the supreme deliberative body for internal matters of the Movement:
 - a) to establish a Policy and Planning Advisory Commission made up of 12 persons, three of them appointed by the International Committee, three appointed by the Federation and six belonging to National Societies; the members of the Commission shall be appointed *ad personam*; the President of the Federation is invited to submit to the May 1994 Executive Council proposals for the appointment of the six members from National Societies; the Advisory Commission shall elect its Chairperson from among its members and take its decisions and make its recommendations by consensus;

- b) to request the Advisory Commission:
 - i) to study policy matters of common interest to all components of the Movement and possible courses of action and to advise the Council of Delegates on the Movement's priorities and policies;
 - ii) to identify the modalities of establishing the Council of Delegates as the supreme deliberative body for internal matters of the Movement;
 - iii) to set up an appropriate independent Secretariat to assist in carrying out its functions — the financing of which should be carried by the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and National Societies;
 - iv) to ensure the follow-up to the Report of the Study Group with a view to strengthening the capacity of the Movement to prevent and alleviate more effectively the suffering of vulnerable people;
 - v) to report on these matters twice a year to the Assembly of the ICRC and to the Executive Council of the Federation;
 - vi) and to report to a joint ("Yverdon") meeting in 1994 of the ICRC Assembly and the Executive Council of the Federation, as well as to the 1995 Council of Delegates;
 - c) and further to request the Advisory Commission to study the functions of the Standing Commission, consider the implication of possible changes and report its conclusions and recommendations in writing at least six months before the 1995 meeting of the Council of Delegates, recommendations to be submitted also to the Standing Commission; the report should take account of progress made to reconvene the 26th International Conference;
4. *decides further* that the Commission on the Red Cross, Red Crescent and Peace will continue until its present mandate expires;
 5. *appeals* to the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, in cooperation with the Advisory Commission, to take immediate action in order to improve the functional cooperation between the components of the Movement; in doing so all the recommendations relating to Chapter 6 in the Report of the Study Group on the Future of the Movement should be considered, and a report on the results of the examination, and implementation where appropriate, of these recommendations and other initiatives which might improve the functional cooperation between the components of the Movement shall be given to the Council of Delegates in 1995;
 6. *appeals* to all components of the Movement to keep the Advisory Commission informed of their current actions and new policies and to put before the

Commission all suggestions for the study of matters related to the effective functioning of the Movement;

7. *requests* the President of the Federation, together with the President of the ICRC, to appoint a small group to prepare, not later than 30 April 1994, a draft agenda for the first meeting of the Advisory Commission; included in this draft agenda should be concrete proposals for the establishment of the independent Secretariat mentioned in operative paragraph 3. b) iii) and for financing the work and the functioning of the Advisory Commission;
8. *invites* the National Societies, the ICRC and the Federation to give their full support to the Advisory Commission.

2

THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS

The Council of Delegates,

deploring the increasing number of armed conflicts, of deliberate violations of international humanitarian law, and consequently, of war victims,

stressing the importance of the Final Declaration adopted by the International Conference for the Protection of War Victims held in Geneva from 30 August to 1 September 1993,

noting with satisfaction that in the Final Declaration, States refused to accept the untold suffering inflicted on war victims in blatant violation of the provisions of international humanitarian law, and endorsed practical measures to improve the situation of war victims,

welcoming the reaffirmation by States of their responsibility under Article 1 common to the Geneva Conventions of 1949 to respect and ensure respect for international humanitarian law,

underlining in particular the States' determination:

- to disseminate systematically international humanitarian law, especially among the armed forces,
- to take firm action with respect to those States which are responsible for serious violations of international humanitarian law, to punish war crimes and to consider setting up an international criminal court,
- to support the humanitarian organizations which provide protection and assistance for the victims of armed conflicts and to improve the security of their personnel,
- to increase respect for the red cross and red crescent emblems,

convinced that it is the duty of all components of the International Red Cross and Red Crescent Movement to do everything in their power to alleviate the

sufferings of war victims and to work to ensure respect for international humanitarian law,

1. *urgently requests* the National Societies, the ICRC and the Federation to do everything possible, through their own action and by mobilizing governments, to ensure that the Final Declaration of the International Conference for the Protection of War Victims is followed up by tangible steps which lead to a substantial improvement in the situation of the victims, and accordingly;
2. *calls upon* all components of the Movement to continue and to intensify their action in favour of war victims at the national, regional and international levels;
3. *invites*
 - a) all components of the Movement to follow closely the work of the intergovernmental group of experts entrusted by the International Conference for the Protection of War Victims with the task of studying practical means of promoting full respect for and compliance with international humanitarian law,
 - b) the ICRC, with the collaboration of the Federation, to give its support to this group,
 - c) the Standing Commission, in its preparations for the 26th International Conference of the Red Cross and Red Crescent, to give due consideration to the report to be established on the basis of the work of the group of experts;
4. *urges* all belligerents to abide strictly by international humanitarian law;
5. *expresses the hope* that the momentum created by the International Conference for the Protection of War Victims will help strengthen the spirit of solidarity with all victims of war.

3

MINES

The Council of Delegates,

deeply concerned with the enormous numbers of civilian victims of mines in the many countries that have been, or are still, involved in an armed conflict,

noting the indiscriminate effects of mines which cannot distinguish between the footfall of a soldier and that of a civilian, and the fact that mines are being used in large numbers and indiscriminately,

noting the fact that most mines remain active for a very long period of time, and continue to claim victims years or even decades after the end of hostilities,

concerned that huge areas of land in many parts of the world are littered with millions of mines that are extremely difficult to remove, rendering those areas unusable for habitation, cultivation or pasturing,

noting that the countries most affected by mines have little or no medical infrastructure capable of fulfilling the needs of the injured as both the medical care and rehabilitation needed require an enormous input of resources and expertise,

being aware that the disabilities suffered by mine victims and the difficulty they encounter in receiving the necessary rehabilitation have a profound effect on families and entire societies but that there is a lack of data on the social and economic effects of the damage caused by mines,

noting that the use of mines is regulated by the general rules on the conduct of hostilities as codified in Additional Protocol I of 1977 and by particular rules contained in Protocol II of 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,

concerned that the 1980 United Nations Convention has not been ratified widely enough, that its provisions are frequently not observed and that the Convention has certain shortcomings,

welcoming the fact that the law relating to the use of mines will be on the agenda of the Review Conference of the 1980 United Nations Convention,

1. *urges* States which have not yet done so to ratify 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 and to seek, during the forthcoming Review Conference, effective means to deal with the problem caused by mines by reinforcing the normative provisions of the Convention and by introducing implementation mechanisms;
2. *appeals* to States to consider as a matter of urgency the need to clear minefields and to provide the medical care and rehabilitation that mine victims need;
3. *urges* National Red Cross and Red Crescent Societies to encourage their governments to ratify, if they have not yet done so, the 1980 United Nations Convention;
4. *invites* National Red Cross and Red Crescent Societies to impress on their governments the urgent need to find effective legal solutions to the problems caused by mines;
5. *invites* National Red Cross and Red Crescent Societies supported by the Federation and the ICRC to bring to the attention of the general public and international bodies the extensive medical, social and economic problems caused by mines and the need to provide sufficient means to alleviate these problems;
6. *encourages* National Red Cross and Red Crescent Societies and the Federation to intensify their efforts to provide resources and personnel for the

medical care and the rehabilitation of mine victims and to develop mine-awareness programmes;

7. *urges* National Societies to bring to the attention of arms manufacturers the terrible effects of mines, and thus influence them to abandon the production of mines;
8. *invites* National Red Cross and Red Crescent Societies to try to obtain data on the social and economic effects of mines that may have been laid in their own countries or in countries where their personnel are working;
9. *invites* the components of the Movement to seek the expertise of specialized governmental and non-governmental organizations;
10. *proposes* that the problem of mines be reexamined at the 26th International Conference of the Red Cross and Red Crescent.

4

CHILD SOLDIERS

The Council of Delegates,

recalling Resolution IX entitled “Protection of children in armed conflicts” of the 25th International Conference of the Red Cross (1986), and Resolution 14 entitled “Child soldiers” of the Council of Delegates (1991),

taking note with satisfaction of the study entitled “Child soldiers” submitted by the Henry Dunant Institute as requested in the above-mentioned Resolution 14 of the Council of Delegates (1991),

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

welcoming the proposed draft optional protocol to the Convention on the Rights of the Child raising the age limit for participation in hostilities to eighteen years,

deeply concerned that some States fail to take action to avoid the recruitment and arming of children,

deeply concerned by the great number of children who bear arms in armed conflicts,

noting that many children are subject to forced recruitment into armed forces, while others volunteer to participate in armed conflicts for social, economic and political reasons,

concerned by the fact that consequences for children participating in armed conflicts include physical and psychosocial damage, as well as injury to family and community,

stressing the role of adults in preventing the participation of children in armed forces,

stressing further the responsibility of recruiters and commanders in armed forces or groups to prevent the recruitment and enrolment of children,

1. *urges* all components of the International Red Cross and Red Crescent Movement to assist children exposed to armed conflicts and protect them from physical and mental injury or abuse;
2. *appeals* to all components of the International Red Cross and Red Crescent Movement to present and disseminate the study "Child soldiers" to States, relevant international organizations and the general public;
3. *asks* the National Societies to encourage the governments of their respective countries to ratify the Convention on the Rights of the Child;
4. *requests* the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, in cooperation with the Henry Dunant Institute, to draw up and implement a Plan of Action for the Movement aimed at promoting the principle of non-recruitment and non-participation of children below the age of eighteen in armed conflicts, and to take concrete action to protect and assist child victims of armed conflicts;
5. *requests* the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies to report on the progress in implementing this resolution at the next meeting of the Council of Delegates.

5

ARMED PROTECTION OF HUMANITARIAN ASSISTANCE

The Council of Delegates,

deeply concerned about the hazardous and dangerous conditions under which humanitarian assistance has had to be carried out in various disaster areas in recent years,

realizing the complexity of the issue of armed protection of humanitarian assistance,

1. *appeals* to the United Nations and governments when employing military forces in order to ensure the implementation of United Nations Resolutions to employ military personnel which have as part of their training been properly educated in international humanitarian law;
2. *recommends* that the components of the Movement, when faced with the possibility of undertaking operations under armed protection, should take into account the long-term interests of the victims and the Movement's Fundamental Principles;

3. *recommends* that the ICRC and the Federation urgently convene a joint working group to articulate Movement policy and practice on the delivery of humanitarian assistance in disaster areas where United Nations peace-keeping and peace-making operations are in progress or are likely to occur, and to transmit the results of the deliberations of that working group to the ICRC and the Federation, as well as to the Advisory Commission as soon as it is in operation.

6

A CODE OF CONDUCT FOR ORGANIZATIONS TAKING PART IN DISASTER RELIEF OPERATIONS

The Council of Delegates,

noting Resolution 17 of the 1991 meeting of the Council of Delegates, and the report on the Code of Conduct,

noting that on the Federation's initiative, discussions have taken place with other members of the Humanitarian Response Steering Committee and the ICRC, culminating in the drafting of a Code of Conduct, which covers disaster response in natural and technological disasters, and in situations of armed conflict,

recognizing that for the components of the International Red Cross and Red Crescent Movement, the Fundamental Principles of the Movement and then the Principles and Rules for Red Cross and Red Crescent Disaster Relief have precedence over the Code of Conduct,

recognizing that in disaster response, assistance by foreign disaster response agencies is not always necessary,

also recognizing that the components of the International Red Cross and Red Crescent Movement may seek the protection of intergovernmental security services only in exceptional circumstances, while bearing in mind the Movement's Fundamental Principles of Independence and Neutrality, and

recognizing the need to maintain operational complementarity between the components of the Movement, in conformity with the Statutes of the Movement,

1. *approves* the Code of Conduct;
2. *urges* the Federation and the ICRC to take steps to promote the Code's implementation within the Movement and to disseminate the Code amongst disaster response agencies, encouraging them in turn to endorse the Code through their governing bodies;
3. *recognizes* that, because of the need for approval by the governing bodies of other agencies, amendments may still be needed to the text of the Code of Conduct, and therefore authorizes the Federation, in agreement with the

other members of the Humanitarian Response Steering Committee and the ICRC, to approve these amendments;

4. *calls on* the components of the International Red Cross and Red Crescent Movement to bring the Code of Conduct to the attention of governments, by all appropriate means, and in particular to draw their attention to Annexes I, II, and III of the Code;
5. *further calls* upon the Federation and the ICRC to report to the next session of the Council of Delegates on the dissemination and implementation of the Code of Conduct within the Movement and the NGO community, and also to report upon the reception given by governments and intergovernmental organizations to the Code.

7

THE MOVEMENT, REFUGEES AND DISPLACED PERSONS

The Council of Delegates,

having taken note of the report of the ICRC and the Federation on the Movement, refugees and displaced persons,

recalling Resolutions XXI (Manila, 1981) and XVII (Geneva, 1986) and in particular Resolution 9 of the Council of Delegates held in Budapest in 1991 which, *inter alia*, appeal to the various components of the Movement to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees,

reaffirming that armed conflicts and violations of international humanitarian law are among the main causes of forced population movements,

recalling that in situations of armed conflict or internal violence, refugees and displaced persons, as civilians affected by the events, are protected by international humanitarian law and by humanitarian principles,

concerned by the persistence of the phenomenon and the dramatic aggravation of the plight of numerous refugees, displaced persons and asylum-seekers in different parts of the world,

expressing its deep concern about the surge of intolerance, xenophobia and racial or ethnic discrimination in communities of countries receiving refugees and asylum-seekers,

1. *invites* the components of the Movement, in accordance with their respective mandates:
 - a) to call upon the parties to conflict to respect international humanitarian law and to ensure that it is respected in order to avert population movements,

- b) to continue to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees,
 - c) to strengthen cooperation among themselves and between the Movement and the United Nations system, in particular the United Nations High Commissioner for Refugees (UNHCR), in a concerted approach which maintains the unity of the Movement,
 - d) to promote, in the spirit of the Fundamental Principles of the Red Cross and Red Crescent, the protection of refugees, asylum-seekers and displaced persons, including the protection of those persons who have fled from armed conflict or other situations of extreme danger, but who are not covered by the refugee definition of the 1951 Convention on the Status of Refugees; and to train and inform volunteers and staff appropriately;
2. *urges* the National Societies to respect their obligation to inform the Federation and/or the ICRC in advance of any negotiations likely to lead to a formal agreement between a Society and UNHCR;
 3. *strongly encourages* the National Societies:
 - a) to implement, whenever necessary, programmes for refugees, asylum-seekers and displaced persons which provide emergency assistance as well as long-term solutions,
 - b) to orient their assistance programmes towards the needs of the most vulnerable groups,
 - c) to carry out vigorous information campaigns to denounce and combat xenophobia and racial or ethnic discrimination while at the same time organizing education programmes based on tolerance,
 - d) to establish networks for regional cooperation — in particular through the organization of regional workshops in cooperation with the ICRC and the Federation — in fields such as voluntary repatriation, tracing activities aimed at restoring family links and preparation for emergency situations, with emphasis on training,
 - e) to focus attention on the psychological problems encountered by most refugees, asylum-seekers, displaced persons and returnees,
 - f) to seek actively the support of governments with a view to finding durable solutions, and to seeing that the voluntary character of repatriation and the safety of returning refugees in their countries of origin are fully ensured;
 4. *calls upon* the ICRC and the Federation to continue to examine ways and means for cooperation between the components of the Movement and the United Nations system in favour of refugees and displaced persons;
 5. *requests* the ICRC and the Federation to report to the next session of the Council of Delegates on the practical measures taken to put these recommendations into effect.

8
USE OF THE EMBLEM

The Council of Delegates,
taking note of the report presented by the ICRC, in cooperation with the Federation, on the use of the emblem by National Societies,

recognizing the importance for the International Red Cross and Red Crescent Movement of a uniform interpretation and application of the 1991 Regulations on the use of the emblem of the red cross or the red crescent by the National Societies,

1. *urges* the National Societies to ensure that the emblem is used in conformity with international humanitarian law and with the 1991 Regulations;
2. *encourages* the National Societies to continue to submit any question with regard to compliance with and interpretation of the 1991 Regulations to the ICRC and the Federation as envisaged in Resolution 5 of the 1991 Council of Delegates;
3. *invites* the National Societies to take into account advice received on such questions, subject to their national legislation;
4. *also invites* the ICRC and the Federation to observe the rules governing the use of the emblem for indicative and decorative purposes as laid down in the 1991 Regulations.

9
**RESPECT FOR AND DISSEMINATION
OF THE FUNDAMENTAL PRINCIPLES:
FINAL REPORT**

The Council of Delegates,
recalling Resolution 7 of the 1989 Council of Delegates and Resolution 7 of the 1991 Council of Delegates,

reaffirming the importance of the Fundamental Principles as an ethical charter for the Red Cross and Red Crescent and the abiding duty of all components of the Movement to respect them and make them more widely known,

recalling that the States party to the Geneva Conventions are obliged to respect at all times the adherence by the Movement's components to the Fundamental Principles, in accordance with the Movement's Statutes,

noting with satisfaction the final report on the consultation of the National Societies, entitled "Respect for and dissemination of the Fundamental Principles",

1. *calls upon* all the components of the Movement to take the specific forms of action recommended in the aforesaid report;
2. *asks* the ICRC, in cooperation with the Federation, to help the National Societies in implementing the Fundamental Principles and especially in facing pressures to which they might find themselves subjected, and invites the National Societies to follow the recommendations drawn up to this effect;
3. *requests* the National Societies, in cooperation with the ICRC and the Federation, to develop and intensify their activities to spread knowledge of the Fundamental Principles at the national, regional and international levels;
4. *thinks* those National Societies that took part in the consultation for their valuable responses;
5. *thinks* the ICRC for carrying out the consultation, in cooperation with the Federation.

10

INFORMATION POLICY OF THE MOVEMENT

The Council of Delegates,
having taken cognizance of the Federation/ICRC report on implementation of the Information Policy of the Movement,

1. *notes* with satisfaction that the Communicators' Guide, *Red Cross/Red Crescent* magazine and World Red Cross and Red Crescent Day continue to be used to unify the information work of the Movement;
2. *encourages* the Federation and the ICRC to continue to cooperate in the communications field to increase awareness and understanding of Red Cross and Red Crescent work worldwide, and to work towards a Communications Policy and Work Plan;
3. *calls upon* National Societies to implement the Information Policy of the Movement and support information initiatives with funding wherever possible;
4. *invites* the Federation and the ICRC to continue their work in this field and to present a report to the next Council of Delegates.

11

PRINCIPLES OF HUMANITARIAN ASSISTANCE

The Council of Delegates,
having examined the report of the Commission on the Red Cross, Red Crescent and Peace, in particular the point concerning the concept of humanitarian assistance,

having taken note of the Final Declaration of the International Conference for the Protection of War Victims and of the reports of the ICRC and the Federation,

bearing in mind the various resolutions of the United Nations General Assembly and the reports by the Secretary General regarding the “new international humanitarian order”,

noting with concern that the recognized institutions of the International Red Cross and Red Crescent Movement, in particular the International Committee of the Red Cross, continue to encounter difficulties in implementing humanitarian protection and assistance operations,

anxious to ensure that humanitarian assistance is not jeopardized by the confusion that all too often arises in the discharge of the respective and specific mandates of States and humanitarian organizations,

1. *reminds* States, in particular, of the basis for and the nature of humanitarian assistance, as established by international humanitarian law, the Fundamental Principles and the Statutes of the International Red Cross and Red Crescent Movement:
 - a) with respect to victims: the right to be recognized as victims and to receive assistance,
 - b) with respect to States: the duty - which is in the first instance theirs - to assist people who are placed *de jure* or *de facto* under their authority and, should they fail to discharge this duty, the obligation to authorize humanitarian organizations to provide such assistance, to grant such organizations access to the victims and to protect their action,
 - c) with respect to humanitarian agencies: the right to have access to victims and to bring them assistance, provided that the agencies respect the basic principles of humanitarian work — humanity, neutrality, impartiality, independence;
2. *solemnly reaffirms* that access to the victims is the indispensable condition for humanitarian work, that such access is the ultimate aim of the four principles mentioned above, and that humanitarian relief operations which are in conformity with these principles cannot therefore be regarded as constituting unlawful intervention in the internal affairs of a State;
3. *points out* that under the humanitarian treaties States undertake “to respect and to ensure respect” for all the obligations contained in the instruments which constitute international humanitarian law — in particular, the four Geneva Conventions of 12 August 1949 and their two Additional Protocols of 1977 — and to take steps to put an end to serious violations of international humanitarian law jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter;

4. *requests* all National Societies, the ICRC and the Federation to draw the attention of States to this resolution and to stress, in particular, the duty of States to implement these principles.

12

COMMISSION ON THE RED CROSS, RED CRESCENT AND PEACE

The Council of Delegates,

having considered the interim report by the Commission on the Red Cross, Red Crescent and Peace on its activities since the meeting of the Council of Delegates in 1991 in Budapest,

1. *thanks* the Commission for the work it has accomplished in follow-up to Resolution 3 of the 1991 Council of Delegates;
2. *endorses* the decisions taken by the Commission with respect to maintaining its current composition until the completion of its work, within the framework of the mandate conferred on it, and in conformity with the indications contained in its complementary report;
3. *requests* the Commission to submit its final report to the next Council of Delegates.

13

MESSAGE OF THANKS TO HER MAJESTY QUEEN ELIZABETH II AND THE BRITISH RED CROSS SOCIETY

The Council of Delegates,

in appreciation of the inspiring address by Her Majesty Queen Elizabeth II, Patron and President of the British Red Cross Society, and

in recognition of the excellent arrangements, generous hospitality and helpful cooperation extended to the meeting by the officials, staff members and volunteers of the British Red Cross which enabled the meeting to undertake its deliberations in a harmonious atmosphere,

1. *requests* the British Red Cross Society to convey its deep gratitude to Her Majesty;
2. *places on record* its gratitude and congratulations to the British Red Cross Society.

Ninth session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies

(Birmingham, 25-28 October 1993)

The General Assembly of the International Federation of Red Cross and Red Crescent Societies held its Ninth session from 25 to 28 October 1993 in Birmingham, which was attended by some 500 delegates representing 148 National Red Cross and Red Crescent Societies.

At the opening meeting, the President of the Federation, Dr. Mario Villarroel Lander, noted with pleasure that the Federation had built up its image as an institution capable of rising to its responsibilities. "I would like us", he said, "to persevere along this course for the benefit of our National Societies (...). I am aware that the goal is an ambitious one but we must work in this direction and strive to put into practice the guidelines of the Strategic Work Plan for the Nineties". The President also pointed to the importance of disseminating the Fundamental Principles of the Movement and international humanitarian law and underscored the Movement's special contribution towards ensuring respect for human dignity, in that "the Movement can do nothing less than support a policy of peace and justice. It serves no national interests, only those of people who are suffering and without defence; it comes to the assistance of whoever suffers the pangs of anguish. Is that not one way of sowing the seeds of peace and ensuring respect for human dignity?"

The President of the ICRC, Mr. Cornelio Sommaruga, stressed the need "to improve [the Movement's] efficiency, to prevent, assist and protect, to do so tactfully but also speedily, with no hesitation". Despite the difficulties, courage should never be lost; perseverance, thoroughness and humility must prevail.

The Acting Secretary General of the Federation, Mr. George Weber, presenting his report on its principal activities since the Assembly's

VIIIth Session, was pleased to note that the Federation was playing an increasingly influential and vigorous part in the humanitarian world. He hoped that by the end of the decade the Federation would include 185 strong, well-led, high-performing National Societies and that it would be able to help many more people and reduce vulnerability in disaster-prone areas.

The General Assembly then addressed several subjects which the *Review* outlines below:

1. Elections

- *President:* The General Assembly re-elected Dr. Mario Villarroel Lander as President of the Federation for a period of four years.

Dr. Villarroel Lander, who has been President of the Federation since November 1987, received 94 votes to 54 for Dr. Gudjon Magnusson, President of the Icelandic Red Cross.

- *Vice-Presidents:* The General Assembly elected the National Societies and appointed the Vice-Presidents of the Federation as follows for a period of four years:

British Red Cross	<i>Lady Limerick</i>
Cuban Red Cross	<i>Dr. Esmildo Gutiérrez Sánchez</i>
Honduran Red Cross	<i>Mrs. Meneca de Mencia</i>
Jordan National Red Crescent	<i>Dr. Mohammed Al Hadid</i>
Malaysian Red Crescent	<i>Dr. V.T. Nathan</i>
Spanish Red Cross	<i>Mrs. Carmen Mestre Vergara</i>
Sierra Leone Red Cross	<i>Mr. Lloyd Ado During</i>
Sudanese Red Crescent	<i>Professor Mamoun Yousif Hamid</i>

Dr. Karl Kennel, as President of the Swiss Red Cross, is *ex officio* the 9th Vice-President of the Federation.

- *Executive Council:* The General Assembly elected the 16 National Societies of the following countries as members of the Executive Council:

<i>Africa</i>	<i>Europe</i>
Ethiopia	Denmark
Morocco	France
Rwanda	Germany
Senegal	Turkey
Swaziland	

<i>Asia/Pacific</i>	<i>The Americas</i>
Australia	Brazil
China	Mexico
Japan	United States
Saudi Arabia	

- *Secretary General*: The General Assembly, on the recommendation of the Executive Council, appointed **Mr. George Weber** as Secretary General of the Federation. Mr. Weber had been made Acting Secretary General by the Executive Council in September 1992 and took up office in January 1993.

- *Treasurer General*: The General Assembly, on the recommendation of the Executive Council, appointed **Mr. Bengt Bergman** as Treasurer General of the Federation for a period of four years.

- *Constitutional Commissions*: At its final meeting, the General Assembly elected for four years the chairmen and members of the five Constitutional Commissions: Finance; Disaster Relief; Youth; Health and Community Services; Development.

2. Admission of new National Societies

The General Assembly decided to admit the following National Societies as members of the Federation:

Antigua and Barbuda Red Cross
 Croatian Red Cross
 Czech Red Cross
 Malta Red Cross
 Namibia Red Cross
 Seychelles Red Cross
 Slovakian Red Cross
 Slovenian Red Cross
 Saint Kitts and Nevis Red Cross
 Ukrainian Red Cross
 Vanuatu Red Cross

and confirmed the admission of the Estonian Red Cross.

These admissions bring the total number of members of the Federation to 161.

3. Plan and budget for 1994-1995

The General Assembly approved the Secretary General's budget proposal for 1994 and 1995 amounting, respectively, to SFr. 46,304,000 and SFr. 46,812,000.

4. Questions concerning health and social work

The Health and Community Services Commission discussed several questions which were the subject of decisions, such as strengthening the role of the Federation in communicable diseases prevention and control, water supply and sanitation in Red Cross and Red Crescent relief actions, and primary health care. National Societies were invited to implement long-term activities in these areas and to train staff and volunteers in basic hygiene methods, water quality protection techniques, distribution and storage of water in disaster relief situations and the control of communicable diseases.

In addition, the Assembly recommended that all National Societies and the Federation should pursue their activities to meet the needs of the disabled and to ensure their full integration.

The Assembly urged National Societies to include in their training activities a psychological support programme for the victims of natural disasters and other traumatizing events.

5. Red Cross and Red Crescent Development

The General Assembly, after having adopted the Development Commission's report, requested the Secretary General to prepare a draft Federation Policy on Development to supplement the Principles and Rules for Development Cooperation and, *inter alia*, to target the most vulnerable groups in order to meet their specific needs, to develop the capacities of communities and individuals so that they can help themselves, and to advance disaster preparedness.

6. Disaster relief

The General Assembly, on the basis of the Disaster Relief Commission's recommendations, adopted the Revised Principles and Rules for Disaster Relief, the Federation Policy on Disaster Preparedness, and its

Policy on Rehabilitation and Reconstruction. It recommended that the Council of Delegates approve the Code of Conduct for the Movement and NGOs in Disaster Relief (see “Council of Delegates”, p. 481).

7. Youth

The Assembly adopted the report of the Youth Commission, which had concentrated on implementing the Youth Policy drawn up in 1991.

8. Strategic Work Plan for the Nineties

The General Assembly adopted a Strategic Work Plan for the Nineties; it requested all National Societies to select and implement activities outlined in the revised Plan and asked the Executive Council to promote and regularly follow its implementation by the National Societies and the Secretariat. The Assembly also requested the chairmen of the Constitutional Commissions and the Secretary General to monitor implementation of the Plan.

9. Women and development

The General Assembly again urged National Societies to implement specific programmes to reduce the vulnerability of women; it also encouraged the Federation to take part in the Fourth World Conference on Women and Development, to be held in Beijing in 1995.

10. Integrity of member Societies

The General Assembly adopted measures to protect the integrity of National Societies and their ability to carry out their mission effectively and act in accordance with the Fundamental Principles of the Movement. The Secretary General was requested to prepare proposals for action, including a suitable system for reporting by National Societies and an analysis of the characteristics of a strong Society. These proposals will be submitted to the Executive Council at its next meeting.

11. 75th Anniversary of the Federation

The General Assembly took note of a report on plans to mark the 75th anniversary of the Federation in 1994. The plan comprises an exhibition at the International Red Cross and Red Crescent Museum in Geneva from April to October 1994, the publication of a book recounting the history of the Federation, an information campaign on 5 May 1994 and the preparation of materials for National Societies to draw public attention to the anniversary. In addition an exhibition will be mounted in Paris during the Executive Council meeting and ceremonies sponsored by the French Red Cross will be held in May 1994, organized in cooperation with the American Red Cross, the British Red Cross, the Italian Red Cross and the Japanese Red Cross, co-founders of the League (Federation).

**HISTORIC MEETING BETWEEN
THE PALESTINIAN RED CRESCENT
AND THE MAGEN DAVID ADOM OF ISRAEL**

An historic meeting recently brought together in Birmingham the representatives of the Magen David Adom of Israel and the Palestinian Red Crescent.

Neither Society has been officially recognized, but both have been taking part as observers in the statutory meetings of the Movement for many years and have established firm ties with National Societies members of the Federation.

As new prospects for peace open up in the Middle East, ICRC President Cornelio Sommaruga took the initiative of organizing a meeting between Professor David Barzilai, President of the Magen David Adom, and Dr Fathi Arafat, President of the Palestinian Red Crescent. The aim of this meeting, held on 25 October last, was to foster a climate of openness and mutual understanding and pave the way for a relationship of lasting cooperation both between the two Societies and with the ICRC.

In a spirit of cooperation and unity, the two representatives addressed the Federation's General Assembly on the evening of 25 October.

Professor Barzilai said he was prepared to reach out to the Palestinian Red Crescent and made a number of proposals for future cooperation, particularly on health issues.

Dr Arafat, for his part, reminded the National Societies members of the Federation of their duty to help the Palestinian Red Crescent develop its activities in a spirit of peace. Addressing Professor Barzilai, he declared "Let us work hand in hand to build a new world".

The Declaration of St. Petersburg of 1868

125th ANNIVERSARY OF THE DECLARATION OF ST. PETERSBURG OF 1868

The frequent violations of the basic rights of the individual, the grave breaches of international humanitarian law, and the repeated assaults upon human dignity seen in the last few years have all highlighted the importance and relevance of humanitarian law, and have pointed to the urgent need for measures to strengthen and enforce its provisions. Several initiatives have recently been taken in this direction, including the holding of the International Conference for the Protection of War Victims. This Conference, convened by the Swiss government and held in Geneva from 30 August to 1 September 1993, brought together the representatives of some 160 States. They solemnly pledged, in a Final Declaration, to respect and ensure respect for international humanitarian law, and adopted measures intended to improve its implementation.

* * *

The celebration of the 125th anniversary of the Declaration of St. Petersburg was organized in the same spirit. The Declaration has assumed special significance at this point in time, as Hans-Peter Gasser shows in his article on pages 511-514; it revolutionized military thinking in the last century in that it was the first modern multilateral treaty specifically drawn up to limit the effects of hostilities on human beings. This was a particularly opportune moment to draw attention to an international initiative, prompted by humanitarian considerations, to restrict the development of new weapons of a nature to cause superfluous injury or unnecessary suffering. The Declaration helped lay the foundations of contemporary international humanitarian law.

For all these reasons, the authorities of the city of St. Petersburg and the Ministry of Foreign Affairs of the Russian Federation, with

ICRC support, wanted to mark the occasion of the Declaration's 125th anniversary.

On 1 and 2 December 1993 an International Symposium on humanitarian law was held in St. Petersburg for high-ranking members of the armed forces. The aim of the Symposium was to stress the crucial role played by the armed forces, particularly the high command and senior officers, in ensuring compliance with the humanitarian obligations arising from the 1949 Geneva Conventions, their 1977 Additional Protocols, and the rules of customary law.

An exhibition on international humanitarian law and the International Red Cross and Red Crescent Movement was mounted as part of the Symposium.

* * *

The official ceremony to commemorate the 125th anniversary of the Declaration of St. Petersburg took place on 2 December 1993. Some 300 representatives of 32 countries (including ten belonging to the former Soviet Union) attended the event. Among them were the Deputy Ministers of Defence and Foreign Affairs of the Russian Federation, the St. Petersburg city authorities, members of the diplomatic and consular corps, participants in the Symposium, and members of the Russian Red Cross Society.

The ICRC was represented by President Cornelio Sommaruga, Mr. Josef Feldmann, member of the Committee, and several senior staff.

In one of its forthcoming issues the Review will come back to the events marking the 125th anniversary of the Declaration of St. Petersburg and deal with the question of weapons causing superfluous injury or unnecessary suffering.

A look at the Declaration of St. Petersburg of 1868

In the 19th century, three texts that laid the foundation for modern international humanitarian law appeared within the space of five years.

1. The “Lieber Code” of 1863¹

The Lieber Code was a set of instructions issued to the United States armed forces during the American Civil War to regulate the conduct of military operations.

2. The Geneva Convention of 1864²

By declaring medical units on the battlefield to be neutral and inviolable, this treaty represented the first step taken in international law to provide protection for the victims of armed conflict.

3. The Declaration of St. Petersburg of 1868³

This text, whose 125th anniversary we are celebrating, revolutionized military thinking by prohibiting, on humanitarian grounds and citing “the laws of humanity”, the use of a weapon of war developed as a result of advances in technology.

¹ Instructions for the Government of Armies of the United States in the Field, of 24 April 1863.

² Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, of 22 August 1864.

³ Declaration of St. Petersburg of 11 December 1868 (29 November by the old Russian calendar) Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 grammes Weight. (See Annex pp. 515-516).

Origin and content of the Declaration of St. Petersburg

At the invitation of Tsar Alexander II, the plenipotentiary representatives of 17 States met from 9 to 16 November 1868 (28 October to 4 November by the old Russian calendar) in St. Petersburg, then the capital of Imperial Russia. Envoys from most European countries, plus Persia and Turkey, attended three days of meetings and negotiating sessions chaired by General Milutin, the Tsar's Minister of War.

Russia had convened the conference to propose a ban on certain types of projectiles which, when they struck the human body, caused especially appalling wounds. The particular object of this prohibition was a bullet fired from a hand-held weapon and exploding on impact, owing to a small explosive charge. The blast itself resulted in a serious wound, but the expanding gases and the scattering of fragments from the casing aggravated the condition of the victim, who inevitably died in agony. The Russian government was willing to renounce the use of such projectiles provided that all other States did likewise.

The plenipotentiaries were quick to agree to the Russian proposal. The only point of disagreement was the maximum weight of the projectiles to be banned. The Russian proposal covered projectiles of up to 400 grammes (anything heavier belonging to the category of artillery and therefore not on the agenda of the conference). This was accepted.

The representatives of the 17 States signed the Declaration on 11 December 1868 (29 November by the Russian calendar). Two further States acceded to it the following year.⁴ Since then, no other State has formally become party to the Declaration. However, the small number of participating States in no way limits the Declaration's significance or its effect — it is today part of customary international law, by which the entire community of States is bound.

⁴ The States signatory to the Declaration of St. Petersburg are as follows:

Austria-Hungary, Bavaria, Belgium, Denmark, France, Great Britain, Greece, Italy, Netherlands, Persia, Portugal, Prussia and the North German Confederation, Russia, Sweden and Norway, Switzerland, Turkey, Wurtemberg.

Baden and Brazil acceded to the Declaration on 11 January and 23 October 1869 respectively.

Significance of the Declaration of St. Petersburg

Nowadays it is not so much the specific prohibition laid down in the 1868 Declaration that merits our attention but rather the approach it represents to a practical matter of humanitarian concern and the considerations that prompted the States to ban a weapon that was already fully developed and whose destructive potential no one doubted.

On the first point, it is remarkable to note that the Russian Minister of War stressed the appalling effects of a newly developed weapon, and that he actually wondered whether such a weapon should be outlawed on humanitarian grounds or whether it should be retained for reasons of military advantage. Studying new weaponry from the viewpoint of its compatibility with international law has since become a *sine qua non* for an effective system of international humanitarian law.⁵

On the second point, it is interesting to look at the preambular paragraphs of the Declaration, which reflect all the considerations that prompted the plenipotentiaries' decision. For example:

"... the technical limits at which the necessities of war ought to yield to the requirements of humanity...";

"... the progress of civilization should have the effect of alleviating as much as possible the calamities of war...".

What follows has become a classic definition of the purpose of war, and one which has lost none of its relevance:

"... the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy...".

Consequently,

"... it is sufficient to disable the greatest possible number of men...";

"... this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable...";

"... the employment of such arms would, therefore, be contrary to the laws of humanity...".

Since the end of the 19th century, the idea that humanitarian principles should set limits on means of warfare has been developed through successive codifications of the law of war.

⁵ See the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Article 36 ("New weapons").

The most important of these are:

- the Hague Convention Respecting the Laws and Customs of War on Land, of 18 October 1907, and its annexed Regulations;
- the four Geneva Conventions of 12 August 1949 for the Protection of the Victims of War, and their two Additional Protocols of 8 June 1977;
- the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, of 10 October 1980.

Today, various means of warfare, such as chemical and biological weapons, are totally banned. International law places restrictions on the use of others, such as incendiary devices and landmines.

Relevance of the St. Petersburg Declaration for the future

Each new generation must carry on the work of the St. Petersburg Conference. Each new generation must accept prohibitions or limitations on the use of newly developed weapons if they “uselessly aggravate the sufferings of disabled men” (St. Petersburg Declaration) or are “of a nature to cause superfluous injury or unnecessary suffering” (1977 Protocol I). The States represented in St. Petersburg pledged “to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may effect in the armament of troops...”. Surely, the noblest application of science and, indeed, of human intelligence is to advance “the laws of humanity” even in times of war.

Hans-Peter Gasser

Declaration of St. Petersburg
of 1868
to the Effect of Prohibiting the Use
of Certain Projectiles in Wartime

Signed at St. Petersburg, 29 November (11 December) 1868

On the proposition of the Imperial Cabinet of Russia, an International Military Commission having assembled at St. Petersburg in order to examine the expediency of forbidding the use of certain projectiles in time of war between civilized nations, and that Commission having by common agreement fixed the technical limits at which the necessities of war ought to yield to the requirements of humanity, the Undersigned are authorized by the orders of their Governments to declare as follows:

Considering:

That the progress of civilization should have the effect of alleviating as much as possible the calamities of war;

That the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy;

That for this purpose it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity;

The Contracting Parties engage mutually to renounce, in case of war among themselves, the employment by their military or naval troops of any projectile of a weight below 400 grammes, which is either explosive or charged with fulminating or inflammable substances.

They will invite all the States which have not taken part in the deliberations of the International Military Commission assembled at St. Petersburg by sending Delegates thereto, to accede to the present engagement.

This engagement is compulsory only upon the Contracting or Acceding Parties thereto in case of war between two or more of themselves; it is not applicable to non-Contracting Parties, or Parties who shall not have acceded to it.

It will also cease to be compulsory from the moment when, in a war between Contracting or Acceding Parties, a non-Contracting Party or a non-Acceding Party shall join one of the belligerents.

The Contracting or Acceding Parties reserve to themselves to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may effect in the armament of troops, in order to maintain the principles which they have established, and to conciliate the necessities of war with the laws of humanity.

Done at St. Petersburg, 29 November (11 December) 1868.

**10th Conference of Red Cross
and Red Crescent Societies of the Balkan countries**

(Sofia, 29 September - 3 October 1993)

This Conference usually takes place every two years. Its tenth session was held from 29 September to 3 October 1993 in Sofia, at the invitation of the Bulgarian Red Cross. The five-day meeting brought together representatives of the National Societies of Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, the Former Yugoslav Republic of Macedonia, Romania, Slovenia, Turkey and Yugoslavia, who discussed subjects of common interest, such as social services, disaster preparedness, international humanitarian law, assistance to refugees, tracing services, National Society development, the Plan of Action of the Strategy for the '90s, Red Cross Youth, and cooperation among National Societies of the Balkan countries.

The International Federation of Red Cross and Red Crescent Societies was represented by its President, Mr. Mario Villarroel Lander, its acting Secretary General, Mr. George Weber, and the Head of its Europe Department, Mrs. Ilkka Uusitalo. The ICRC, for its part, had sent a delegation made up of Mr. Yves Sandoz, Director for Principles, Law and Relations with the Movement, Mr. Thierry Germond, Delegate General for Western and Central Europe and the Balkans, and Mr. Olivier Dürr, Head of the Division for Relations with the Movement.

At the end of the session, the participants adopted a final document and a declaration relative to the conflict situation in the region. The text of the declaration is as follows:

**DECLARATION BY RED CROSS AND RED CRESCENT SOCIETIES
OF THE BALKAN COUNTRIES WITH REGARD TO
THE CONFLICT SITUATION IN THE REGION**

Deeply distressed by the tragedy which continues to affect many parts of the former Yugoslavia, and Bosnia-Herzegovina in particular, we, leaders of the Red

Cross and Red Crescent Societies of the Balkan countries, assembled in Sofia for our 10th Conference, declare as follows:

noting that the civilian population continues to be the target and main object of the fighting and that the grim scenario of destruction, harassment, arbitrary detention and exodus is repeated throughout the conflict area, day after day,

alarmed by the extent of needlessly cruel acts perpetrated by unscrupulous belligerents against innocent civilians such as children, women and the elderly,

concerned that access to the victims is becoming increasingly difficult and that often the delivery of humanitarian aid is either hampered by military and political considerations or subject to unacceptable preconditions imposed by all the sides,

- *express* our determination to continue to cooperate with and support the International Federation of Red Cross and Red Crescent Societies and the ICRC in their humanitarian efforts to alleviate the plight of the affected civilian population, detainees, sick and wounded;
- *reaffirm* the commitment of Red Cross and Red Crescent volunteers to assist these victims in compliance with the Fundamental Principles, in particular those of humanity, impartiality and neutrality;
- *decide* to strengthen our mutual cooperation and, assisted by the whole International Red Cross and Red Crescent Movement, to give our full support to the National Societies in conflict areas so as to render as effective as possible the humanitarian efforts of the Red Cross and Red Crescent for the victims of those conflicts;
- *urge* all the warring parties, out of humanitarian concern, to respect the undertakings they have made and in particular, in compliance with the rules of international humanitarian law, to allow assistance and protection to be given to the sick and wounded, to treat humanely persons they capture and combatants who surrender, to refrain from attacking and ill-treating the civilian population, and to respect the Red Cross and Red Crescent emblems;
- *ask* the belligerents to authorize and facilitate the work of the International Red Cross and Red Crescent Movement, and that of all other impartial humanitarian bodies, in behalf of the victims.

The Conference enabled the participating National Societies to strengthen the ties that unite them, to show their determination to help Societies directly affected by the conflict in the region and their support for the efforts undertaken by the ICRC and the Federation to alleviate the suffering of victims.

Guiding Principles on the Right to Humanitarian Assistance

In September 1992, the International Institute of Humanitarian Law in San Remo devoted the subject of its 17th Round Table on Current Problems of Humanitarian Law to "The Evolution of the Right to Assistance".

The Council of the Institute at its session of April 1993 adopted a document entitled "Guiding Principles on the Right to Humanitarian Assistance", which takes into account the conclusions and recommendations of this Round Table.

Due to the relevance of the subject and the importance of these principles, the *Review* is happy to present this document to its readers.

FOREWORD

Since its inception in the nineteenth century, international humanitarian law has constantly developed new concepts and terms of application. There is no need here to summarize these historical developments since they are well known. Their underlying cause, however, has been the modification of a number of important elements in situations in which international humanitarian law has to operate. These elements are extremely varied and include, among the broadest and most basic, the manner in which military operations are conducted, the political behaviour of States, the changing structure of the international community, the evolution of international legal concepts and the emergence of new technologies of all kinds.

To encompass or adapt to these changes and thereby remain fully effective, international humanitarian law has been obliged to modify its earlier concepts, which may no longer be adequate, or to create new ones. All such adaptations and innovations must, however, fully respect the cardinal prin-

principles of international humanitarian law, which remain constant, regardless of the changing context, and are essential to its very existence.

One of these principles is the maintenance of absolute neutrality when humanitarian action involves aid to victims of armed conflict. This means neutrality and impartiality vis-à-vis the parties to the conflict and the avoidance of any political bias. Applying this principle is by no means as easy or as simple as it might appear and international humanitarian law may indeed find itself in the midst of political cross-currents.

The international community is today deeply perturbed by widespread armed conflicts of an ethnic or similar nature and is calling for humanitarian intervention to relieve the intense suffering of innocent civilian victims. The legal status of the conflicting parties is often confused as to whether States or different military factions are involved in an internal armed conflict. Military forces may prevent the delivery of humanitarian aid, thus giving rise to the need for humanitarian assistance to be combined with armed protection to enable such aid to be delivered. The United Nations as part of its peace-keeping mandate has, in a number of recent cases, sent troops under its command to ensure the effective provision of humanitarian aid. This recent practice has reaffirmed the concept of the "right to humanitarian assistance". It may be added that it is in regard to the provision of humanitarian assistance that the most flagrant violations of the humanitarian conventions have recently occurred.

The above considerations bring into relief the variety of factors which can exist in situations calling for international humanitarian aid under circumstances which developed international law has not yet had occasion to address or to formulate legal concepts to meet these new contingencies. It is one of the aims of the International Institute of Humanitarian Law to promote the development of international humanitarian law to meet these and other new situations. In addressing this need, the Council of the Institute has prepared a document entitled "Guiding Principles on the Right to Humanitarian Assistance" which takes into account the conclusions and recommendations of the 17th Round Table on Current Problems of Humanitarian Law organized by the International Institute of Humanitarian Law in San Remo, Italy, from 2 to 4 September 1992 and devoted to the subject "The Evolution of the Right to Assistance".

GUIDING PRINCIPLES ON THE RIGHT TO HUMANITARIAN ASSISTANCE

The Council of the International Institute of Humanitarian Law:

Recognizing that human sufferings, as a result of armed conflicts, in all their aspects profoundly trouble the conscience of mankind and that

world public opinion demands that effective measures be undertaken to reduce them to the greatest possible extent,

Noting the valuable action to provide humanitarian assistance undertaken by many national and international actors, in particular by the ICRC, UNHCR, UNICEF and other organizations of the UN system, as well as other intergovernmental and non-governmental organizations,

Bearing in mind the purposes of the United Nations, in particular those concerning the maintenance of international peace and security, international cooperation in solving international problems of an economic, social, cultural and humanitarian character, and in promoting respect for human rights,

Considering that it is essential to reinforce humanitarian action in order to alleviate human suffering, thereby contributing to the development of international solidarity and the strengthening of friendly relations between peoples,

Stressing that humanitarian assistance, both as regards those granting and those receiving it, should always be provided in conformity with the principles inherent in all humanitarian activities, namely the principles of humanity, neutrality and impartiality, so that political considerations should not prevail over these principles,

Reaffirming the fundamental concern of mankind and of the international community, in the event of emergencies, to ensure the protection and well-being of human beings and also respect for human rights and humanitarian law,

Recognizing that it is indispensable to undertake new measures to render rapid and efficient assistance to human beings in cases of natural and technological disasters, violence and armed conflicts, including the development of the right to humanitarian assistance,

Recognizing that respect for State sovereignty and the principles of international solidarity and cooperation are the essential components of the right to humanitarian assistance,

Desiring to promote the right to humanitarian assistance,

Recommends the following Guiding Principles on the Right to Humanitarian Assistance:

Principle 1

Every human being has the right to humanitarian assistance in order to ensure respect for the human rights to life, health, protection against

cruel and degrading treatment and other human rights which are essential to survival, well-being and protection in public emergencies.

Principle 2

The right to humanitarian assistance implies the right to request and to receive such assistance, as well as to participate in its practical implementation.

Persons affected by an emergency may address themselves to competent national or international organizations and other potential donors to request humanitarian assistance. They shall not be persecuted or punished for making such a request.

Principle 3

The right to humanitarian assistance may be invoked:

- (a) when essential humanitarian needs of human beings in an emergency are not being met, so that the abandonment of victims without assistance would constitute a threat to human life or a grave offence to human dignity;
- (b) when all local possibilities and domestic procedures have been exhausted within a reasonable time, and vital needs are not satisfied or are not fully satisfied, so that there is no other possibility to ensure the prompt provision of supplies and services essential for the persons affected.

Principle 4

The primary responsibility to protect and assist the victims of emergencies is that of the authorities of the territory in which the emergency causing urgent humanitarian needs occurs.

Principle 5

National authorities, national and international organizations whose statutory mandates provide for the possibility of rendering humanitarian assistance, such as the ICRC, UNHCR, other organizations of the UN

system, and professional humanitarian organizations, have the right to offer such assistance when the conditions laid down in the present Principles are fulfilled. This offer should not be regarded as an unfriendly act or as interference in a State's internal affairs. The authorities of the States concerned, in the exercise of their sovereign rights, should extend their cooperation concerning the offer of humanitarian assistance to their populations.

Principle 6

For the implementation of the right to humanitarian assistance it is essential to ensure the access of victims to potential donors, and access of qualified national and international organizations, States and other donors to the victims when their offer of humanitarian assistance is accepted.

In the case of a refusal of the offer, or of access to the victims when humanitarian assistance action is agreed upon, the States and organizations concerned may undertake all necessary steps to ensure such access, in conformity with the international humanitarian law and human rights instruments in force and the present Principles.

Principle 7

The competent United Nations organs and regional organizations may undertake necessary measures, including coercion, in accordance with their respective mandates, in the event of severe, prolonged and mass suffering of populations, which could be alleviated by humanitarian assistance. These measures may be resorted to when an offer has been refused without justification, or when the provision of humanitarian assistance encounters serious difficulties.

In the event of measures of coercion being resorted to by competent UN organs, for reasons other than those of a humanitarian nature, the right to humanitarian assistance should be respected, in particular by exempting from such measures materials for the essential humanitarian needs of the populations.

Principle 8

In the case of measures of coercion undertaken by the competent UN organs and/or regional organizations, when humanitarian assistance is

provided for, these organs should ensure that such assistance is not diverted for political, military and/or other similar purposes, and that the principles of humanity, neutrality and impartiality will be fully respected and implemented.

Principle 9

Humanitarian assistance may consist of any material indispensable to the survival of victims, such as foodstuffs, water, medication, medical supplies and equipment, minimum shelter, clothing; of services, such as medical services, tracing services, religious and spiritual assistance, as well as civil defence, in conformity with the tasks defined in international humanitarian law.

Principle 10

All authorities concerned will grant the facilities necessary for humanitarian assistance to be provided.

All authorities concerned will allow the transit of goods and personnel bringing humanitarian assistance and will have the right to prescribe technical arrangements for these operations.

Humanitarian assistance can, if appropriate, be made available by way of “humanitarian corridors” which should be respected and protected by the competent authorities of the parties involved and if necessary by the United Nations authority.

Principle 11

The status and protection of personnel engaged in humanitarian assistance operations shall be regulated on the basis of the applicable law. This is the case, in particular, as regards the personnel of the United Nations or of organizations of the UN system when engaged in humanitarian assistance activities, the personnel of the ICRC, the personnel of professional organizations with humanitarian objectives, and the personnel of other national and international organizations engaged in humanitarian assistance activities. The status, rights and obligations of all these categories of personnel should be regulated by the respective national and international rules.

Principle 12

In order to verify whether the relief operation or assistance rendered is in conformity with the relevant rules and declared objectives, the authorities concerned may exercise the necessary control, on condition that such control does not unduly delay the providing of humanitarian assistance.

Principle 13

In order to improve efficiency and to avoid duplication and waste, the efforts of the various actors in any humanitarian assistance operations should be coordinated by those who bear the main responsibility for such operations.

Principle 14

All the actors in any humanitarian assistance operation are invited to respect and implement the present Principles. They may conclude such special agreements as may be necessary in any given situation.

The present Principles should not be interpreted as impairing or modifying any rights and obligations under international law in force.

INTERNATIONAL FACT-FINDING COMMISSION

The *Review* sets out below a text to serve as a model for declarations of recognition of the competence of the International Fact-Finding Commission (Article 90, para. 2a of Protocol I additional to the Geneva Conventions). This is in response to the wish expressed by several governments to Mr. Eric Kussbach, Chairman of the Commission. At his request, it was drafted by the Federal Department of Foreign Affairs of the Swiss Confederation, in its capacity as the depositary State of the Geneva Conventions and their Additional Protocols.

This text reads as follows:

[The Government of...]

“... declares that it recognizes ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party, as authorized by Article 90 of Protocol I additional to the Geneva Conventions of 1949.”

Accession of the Republic of Uzbekistan to the Geneva Conventions and their Additional Protocols

On 8 October 1993, the Republic of Uzbekistan acceded to the four Geneva Conventions of 12 August 1949 and to their Additional Protocols of 8 June 1977.

These instruments will come into force for the Republic of Uzbekistan on 8 April 1994.

The Republic of Uzbekistan is the **185th** State party to the Geneva Conventions. It is the **130th** State party to Protocol I and the **120th** to Protocol II.

MEDICAL TRANSPORT PAST AND PRESENT

In his introduction to his book,* Jean Mercier spells out the challenge of medical transport:

... “overcoming the reluctance of the people on the spot, getting to know all aspects of medical transport by air, land, sea and river, following the progress of science and technology in never-ending research, in order to forge ahead in this special domain with the development of the material and equipment used in the service of man”.

In the first three chapters of the book, which are devoted to planes, seaplanes and helicopters, the history of medical aircraft in France and in other countries is retraced from the late nineteenth and early twentieth century to the present day and age. The variety of aircraft adapted for the transport of the wounded, whether seated or recumbent, testifies to the universal interest in air transport for medical purposes from the very beginning of civil and military aviation. This interest is still very much alive; the numerous types of aeroplanes, seaplanes and helicopters used by belligerents to evacuate the wounded and the sick during the two World Wars and in the ensuing conflicts and described in the three chapters show that research and efforts to develop medical transport by air have never ceased.

An account of hospital ships and other vessels used to evacuate and care for the wounded and sick is given in Chapter IV. Hospital ships existed as early as 1588 in the Spanish Armada, and have indeed been found in navies ever since ancient times.

Mention is made of the diverse types of vessels converted for use as hospital ships from the days of sailing ships up to the 1991 Gulf War, when two hospital ships of some 70,000 tonnes operated under the American flag. That conflict also saw armed warships with a hospital capacity of 50 to 100 beds, and there are similarly equipped warships in the present conflict in the Adriatic. They bear no distinguishing marks as hospital ships and are not protected by the Second Geneva Convention, as they are first and foremost combat vessels.

The book does not offer an exhaustive list of the hospital ships used since man has been fighting on the seas, lakes and rivers. Nevertheless, the number of hospital ships mentioned by the author is more than enough to convince the reader that this means of medical transport will long remain an efficient way

* Jean Mercier, *Le transport sanitaire d'hier et d'aujourd'hui*, publ.: Université de Perpignan, Perpignan, 352 pp., 2nd quarter 1993.

of rendering medical and other assistance, thanks to its mobility and capacity for intervention. The two above-mentioned American hospital ships each has beds for 1,000 wounded or sick, twelve operating theatres and eighty intensive care units, as well as a medical team of 1,162 doctors and nurses. Like all modern hospital ships, they have a landing pad for helicopters. Hospital ships of this kind are necessary in the contemporary military and environmental setting. In wars there can be a sudden heavy influx of civilian and military casualties; environmental disasters such as earthquakes or tidal waves and other natural or man-made disasters also result in high numbers of victims. Hospital ships of large capacity can be prepared in advance for such eventualities by converting passenger vessels; such ships are described in Chapter IV. In 1885 and in 1902 hospital ships were already expected to receive a large number of wounded and sick; at the time the hospital ship *Vinh-Long* mentioned on page 91 had 260 beds, with sick-bays, a pharmacy, a linen room, a morgue and a hydrotherapy room.

The use of ambulance trains mentioned in Chapter V has its own history, which dates back to the early days of rail transport. Studies are continuing into the future use of the railway for medical transport, as it offers considerable potential for the rapid mass evacuation of the sick and wounded.

The description in Chapter VI of the specialized equipment used to carry the sick or wounded on first-aid workers' backs highlights the importance of this first phase of assistance, at the place where the injury occurred. Casualties sometimes have to endure harsh conditions while awaiting evacuation. Recent conflicts have for instance involved the use of rudimentary stretchers on which they lay waiting without shelter from the rain or cold. The book also recalls the use of dogs, horses and even camels for the initial evacuation of casualties from the battlefield.

The extensive descriptions given in Chapter VIII of motor-driven ambulances used in many countries constitute an important technical and historical document. They include the Protected Ambulance Vehicle (PRAMB) of modern armies, i.e. armour-plated vehicles which are used for medical purposes and may have wheels or caterpillar tracks or be amphibious. Such medical vehicles equipped to handle any type of terrain are being used by United Nations troops deployed in various theatres of operation.

The final chapters of the book deal with customary practice and Conventions relating to the sick and wounded on the battlefield, as well as the marking and identification of medical units and means of transport. The work of the International Committee of the Red Cross in this technical sphere, which led to a whole set of new provisions in Protocol I additional to the Geneva Conventions of 12 August 1949, is described in detail. A bibliography completes the information contained in this technical book, which also reads like a compendium of references. The author, Jean Mercier, is to be thanked for his achievement. He has himself taken active part in military and civilian medical evacuations, and his direct style reflects his experience in armies and in humanitarian action in the field. He pays tribute to medical transport operators, often nameless persons whose selflessness and experience

as rescuers have prompted many improvements in specific medical transport techniques.

As Dr. Bernard Kouchner states in the preface: "...we wonder at the imagination shown by man in bringing help to his fellow-men...".

*Philippe Eberlin,
Former ICRC Technical Adviser*

THE MANAGEMENT OF MASS BURN CASUALTIES AND FIRE DISASTERS

The Mediterranean Burns Club is a professional organization which is very active in the areas of burn therapy and fire safety. The United Nations has cited it as a leading scientific body in its field in connection with the International Decade for Natural Disaster Reduction.

Together with the Plastic Surgery Department and Burn Centre at Palermo City Hospital, the Club held the first International Conference on Burns and Fire Disasters in Palermo from 25 to 28 September 1990. A number of inter-governmental and non-governmental organizations, specialized associations and several Italian government ministries were also involved in organizing the event.

The purpose of the meeting was to bring together practitioners and theorists in order to pool and compare the results of their research and their experience in coping with disasters, particularly the medical, paramedical, logistic and administrative aspects of burn treatment and fire-disaster management. The participants also discussed preventive and safety measures, training for the personnel needed to deal with such situations and information and communication problems encountered in this type of disaster.¹

Dr. S. William A. Gunn, President of the Mediterranean Burns Club, and Professor Michele Masellis, the Club's Secretary-General and head of the Plastic Surgery Department at the Palermo City Hospital, were the driving force behind the Conference. Their idea was to bring together burn-therapy specialists and experts in disaster management — quite a rare occurrence — so that they could discuss the problems they had in common on both the theoretical and the practical levels, and seek better ways of treating burns and preventing the fire disasters that cause them.

¹ See the account of the Conference's proceedings in *IRRC*, No. 280, January-February 1991, pp. 69-71.

The proceedings of the Conference have just been published.² The book contains the complete text of the papers presented by about a hundred experts from around the world.

Experience with forest fires, ship-board fires, hospital fires, liquid-gas explosions and other major blazes in Ireland, Japan and Italy, for example, shows that there is a need for the public authorities in every country to adopt a multidisciplinary approach in planning rescue operations and to coordinate the work of the security services, civil defence units, fire-fighters, Red Cross and Red Crescent teams and voluntary agencies involved.

The participants also stressed the necessity for action to be taken at the national and local levels, and indeed within individual families, to ensure adequate preparation for the eventuality of burn injuries. It is vitally important to make individuals, families and communities self-sufficient in coping with the emergency phase of a disaster, and hence to provide instruction in first aid and to set up teams of trained volunteers.

Burn-therapy procedures have become highly sophisticated and papers on the subject submitted by several surgeons attending the Conference will be of great interest to specialists. Generally speaking, however, the participants underlined the need to improve the arrangements made for emergency treatment of burn victims and for their speedy transfer to hospital, and to increase the technical and psychological preparedness of rescue teams and other professional and volunteer staff involved in rescue operations. Nor was the need to provide psychological assistance to the victims themselves overlooked.

Emphasis was also laid on the importance of training doctors to deal with the aftermath of disasters (simulation exercises, constant updating of technical knowledge, courses, etc.) and extending first-aid and health-education courses to certain sectors of the population, particularly schoolchildren.

The ICRC was invited to the Conference and presented a paper on the role of the national and international Red Cross and Red Crescent organizations in preventing natural and man-made disasters. Particular attention was given to the ICRC's mandate and the specific nature of its relief activities and its medical work in connection with armed conflict. The proceedings of the Conference also include a contribution by the Italian Red Cross on its role in large-scale emergencies.

Finally, the Conference made clear that the task of dealing with major disasters is not only a matter for specialists; it also requires deployment of the resources normally used by government, public works, agriculture, and national health-care and social welfare systems. This will make assistance to victims all the more effective as the different services involved become aware of their interdependence and take steps to coordinate their activities.

² M. Masellis and S.W.A. Gunn (eds.), *The Management of Mass Burn Casualties and Fire Disasters*, Kluwer Academic Publishers, Dordrecht, Boston, London, 1992, 340 pp.

The experiences, lessons and proposals contained in this book are recommended reading for doctors, civil defence workers, firemen, all those engaged in the medical, paramedical, security, logistic and training aspects of disaster relief, and of course the professionals and volunteers of National Red Cross and Red Crescent Societies, which play an increasingly vital role in assisting the victims of disasters of all sorts.

Jacques Meurant

INTERNATIONAL LEGAL MECHANISMS GOVERNING THE USE OF FORCE: AMBIGUITIES AND LIMITATIONS¹

This study by Romualdo Bermejo García, Professor of Public International Law at the University of Navarra, examines the age-old and yet topical issue of the use of force in international relations.

As Professor Bermejo rightly points out, analysing international provisions governing the use of force is a major challenge, not only because of the complexity of the subject and the controversy that surrounds it but also because of its broad scope of application, since the topic is as fundamental as the existence of States and their independence.

Professor Bermejo's work is unquestionably a comprehensive, well-documented and detailed study of the use of force and self-defence both prior to and since the establishment of the collective security system provided for in the United Nations Charter. The author holds a pessimistic view of the workings of the system and examines new proposals which, in his opinion, should be introduced in view of the current state of international relations. He thus advocates the principle of preventive self-defence, provided that it remains commensurate with those of proportionality and necessity. This is, however, a widely debated concept on which no consensus has been reached by jurists.

Professor Bermejo's work provides an interesting historical and legal analysis of intervention on humanitarian grounds, which he examines as one of the courses of action that might possibly justify the use of force. The author's position, on

¹Romualdo Bermejo García, *El marco jurídico internacional en materia de uso de la fuerza: ambigüedades y límites*. Faculty of Law, University of Navarra, Civitas, Madrid, 1993, 422 pp.

which current legal opinions differ, is that intervention on humanitarian grounds should be provided for in modern international humanitarian law, on condition that it meets certain practical and formal criteria so as to prevent any abuse and to ensure that humanitarian priorities prevail over political interests.

From his historical review of intervention on humanitarian grounds, the author concludes that it is not advisable to establish too close a link between situations before and after the adoption of the UN Charter. Traditionally, intervention on humanitarian grounds has been closely associated with the protection of persons outside their national borders, without any clear distinction being drawn by jurists or governments between situations prior to and following the Charter's adoption.

Recognition of the need to safeguard human rights, coupled with concentration of the power to use force in the hands of the United Nations, and the recent exercise of that power, have once again highlighted the importance of the issue.

Professor Bermejo goes on to describe the opposing views regarding intervention on humanitarian grounds. Some authors maintain that intervention based on the UN Charter is justified; even a State would be entitled to take unilateral action in view of the inability of the United Nations to provide an adequate response. Others do not consider that existing provisions afford a legal basis for intervention.

In the face of this legal controversy, Professor Bermejo argues that from the theoretical point of view it would be necessary to examine whether a State intervening on humanitarian grounds has a legal interest justifying such action. Considering the question in the light of the jurisprudence of the International Court of Justice, he concludes that since the collective security system provided for in the United Nations Charter, which in his opinion is the appropriate channel for ensuring restoration of respect for fundamental rights, has proved ineffective, States could take individual military action in extreme circumstances. However, this should be done within clearly defined limits, to prevent such action from being regarded as unlawful. The criteria for intervention identified by Professor Bermejo are as follows: existence of a grave violation of fundamental human rights, failure of all other possible means of safeguarding those rights, proportionality between the use of force and the objectives sought, limited nature of the operation in both time and space, and submission of a full report to the Security Council or a regional organization.

Analysis of international State practice since 1945 leads Professor Bermejo to conclude that the legal framework set up by the UN for the use of force does not provide the most appropriate response in the current international context. It was precisely the shortcomings in the UN system that prompted him to engage in this important study, which ends with a request for new proposals and a recommendation that clear and satisfactory legal solutions to the problem be sought.

Despite the fact that Professor Bermejo refers to the interventions examined in his book as "humanitarian", we are of the opinion that the arguments put

forward apply more to situations of large-scale violations of human rights than to situations of armed conflict.

We are convinced that readers will find ample food for thought in this methodical and well-documented study.

María Teresa Duli

BOOK REVIEWS

- **Fontes Historiae Iuris Gentium. Sources relating to the History of the Law of Nations**, edited by Wilhelm G. Grewe. Volume 2 (1493-1815), Volume 3/1,2 (1815-1945). Berlin, New York, Walter de Gruyter, 1988-1992, 741 pp. 1,339 pp.

Note should be taken of this major compendium of documents on international law, which succeeds in reconciling the apparently irreconcilable: using the main sources it presents the entire history of international law in the principal languages while still being accessible to individual readers and private libraries.

The compendium ranges from antiquity — the Orient, ancient Greece and Rome — and the Middle Ages (Volume I which will appear in 1994) through to the present time: 1493-1815 (Volume II, published in 1988) and 1815-1945 (Volume III/1, 2, published in 1992).

This monumental work is intended to fill a gap in the written records of international law. Since Strupp's compendium,¹ there have been practically no publications covering such a long period. Clive Parry's *Consolidated Treaty Series* deals only with the time from 1648 to 1945, but in 230 volumes. *Fontes Historiae Iuris Gentium* published by the *Kaiser-Wilhelm-Institut für ausländisches öffentliches Recht und Völkerrecht*, Berlin, reproduces only documents on contemporary international law (in English, French and German).

This compendium on international humanitarian law is valuable because it contains documents which do not appear in specialized compilations of the law of armed conflicts, confined as they are to documents (treaties, conventions and other documents) dating back no further than the codification of that law, i.e. the second half of the nineteenth century. It includes, for instance,

¹ Strupp, Karl, *Urkunden zur Geschichte des Völkerrechts*. Gotha, Friedrich Andreas Perthes A.G., 1911-1912, 3 vols.; Strupp, Karl, *Documents pour servir à l'histoire du droit des gens*, Hermann Sack, Berlin, 1923, 5 vols.

the texts of capitulations (Franco-Turkish capitulations of 1535 and 1740), numerous peace treaties, including the 1919 Peace Treaty of Versailles, letters and orders concerning reprisals, the rules of naval warfare, privateering, capture, and the provisions governing neutrality.

Due space is also given to the law of armed conflicts. The compendium contains the main documents: the 1856 Paris Declaration respecting Maritime Law, the 1868 St. Petersburg Declaration, the main documents of the First and Second International Peace Conference of 1899 and 1907, the 1864 and 1929 Geneva Conventions, the 1925 Geneva Protocol, and documents relating to the First and Second World War, etc.

The compendium provides an overview of the development of international law. Given its relatively modest dimensions it is useful not only to major libraries but also to those who need to have ready access to the main documents showing how international law has evolved. It is sure to be appreciated by historians, political science researchers, diplomats, students, practising lawyers and indeed all people with a general interest in public international law.

Jiri Toman
Henry Dunant Institute

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- **Antônio Augusto Cançado Trindade, *Direitos humanos e Meio-Ambiente — Paralelo dos sistemas de proteção internacional* — Sergio Antonio Fabris, Editor, Porto Alegre, Brazil, 1993, 350 pp.**

The latest book by Professor Cançado Trindade is in several ways an important and novel contribution to the doctrine of public international law, for this is the first time an author has undertaken an exhaustive comparative analysis of the new environmental law and existing legal systems for the international protection of the individual.

In the wake of the World Conference on the Environment (Rio de Janeiro, 1992) and the recent World Conference on Human Rights (Vienna, 1993) the author, with the mastery of a seasoned jurist, examines current links between these systems and those which are sure to arise from the large number of legal provisions stemming from the Charter of the United Nations.

Mr. Cançado Trindade is recognized worldwide as an authority on the subject. His excellent course at the Hague Academy in 1988 established a framework for the necessary coordination of the various systems for the protection of the individual in the current very complex state of international relations.

After analysing the concept of the environment in relation to the human rights system, the author looks at its implications for the different categories of principles and rules in force. He studies the underlying links between environmental law and human rights, especially the right to life. He then goes on to identify groups that are particularly vulnerable and which need greater legal protection because of their exposure to environmental deterioration.

An outstanding merit of the author is the comprehensive and well-documented manner in which he deals with the relationships between environmental law and international humanitarian law. Chapter VII as a whole is devoted to this subject, with a detailed analysis of the provisions laid down in the humanitarian instruments. But the author also raises equally pertinent questions concerning future legal developments that might strengthen environmental protection in the event of armed conflict. He also pays tribute to the ICRC, with which he has been working in close cooperation for many years.

Mr. Cançado Trindade's book also contains a wealth of references both to the relevant legal literature and to international legal precedent, which makes it an indispensable tool for all those interested in studying the subject.

As an expert who took part in numerous international consultations preparatory to the Conference of Rio de Janeiro, on behalf of his government or of international organizations, the author supports his text with several annexes that give a clearer idea of emerging trends in public international law. Quite a few of these documents are being published for the first time and are a valuable addition to this very useful publication.

Although the work is as yet available only in Portuguese, it will certainly become an indispensable reference work for all those who believe in the role that international law is destined to play in reshaping the world now and in the future.

Christophe Swinarski

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- **Carlos Chipoco, *En defensa de la vida. Ensayos sobre derechos humanos y derecho internacional humanitario***, Centro de Estudios y publicaciones, Lima, 1992, 231 pp.

The author, a lawyer and professor of international law and human rights in Peru, has also been an assessor with the Inter-American Commission on Human Rights and is currently a consultant to the United Nations.

The book is intended to give the Peruvian public and political and university circles a better knowledge of human rights. A careful presentation of the history and concept of human rights, together with the instruments for their implementation, provides food for thought.

The third chapter (“*En Búsqueda de humanidad. Derecho internacional humanitario y conflicto armado no internacional en el Perú*”) deals with international humanitarian law (IHL). Mr. Chipoco begins by giving a good general introduction to IHL and then goes on to examine the situation within his own country, Peru. To his mind, it is a typical example of a State with a freely elected democratic government and an international and constitutional system to safeguard human rights but which is incapable of ensuring respect for the fundamental rights of its citizens.

Since one of the aims of his article is to analyse international humanitarian law in terms of the internal conflict in Peru, he concludes that only Article 3 common to the four Geneva Conventions is applicable to the situation there, and that although Peru is party to Protocol II, the conditions of application— notably control of part of the territory by the rebels— are not fulfilled. He furthermore specifies that not only the authorities but also the insurgents are required to comply with the obligations stemming from common Article 3.

The concept of war crimes under current law applies only to international armed conflict. Nevertheless, because they are so serious, Mr. Chipoco believes that all violations of common Article 3 should be qualified as “war crimes”. In his opinion, this article corresponds in content to the provisions of the law of international armed conflict which themselves designate violations as “grave breaches”. On the other hand the fact that the articles on grave breaches refer only to protected persons, i.e. those to whom the Conventions apply as a whole, might run counter to this interpretation. Nevertheless, according to the author, common Article 3 creates a special category of protected persons, namely the civilian population and members of the armed forces who are *hors-de-combat*, i.e. no longer able to fight.

Similarly, international humanitarian law governing internal conflicts does not contain any mechanism to establish international penal responsibility for those guilty of violations.¹ Citing other authors, Mr. Chipoco goes beyond existing law and considers war crimes to be an abuse of force during armed conflicts, regardless of whether those conflicts are international or internal; the provisions of the Geneva Conventions relating to the repression of war crimes create universal competence and an obligation to institute legal proceedings. The author is nonetheless aware that many States are afraid of interfering in the internal politics of another State and are therefore little inclined to accept this universal competence in cases of non-international armed conflict.

¹ See Denise Plattner, “The penal repression of violations of international humanitarian law applicable in non-international armed conflicts”, *IRRC*, No. 278, September-October 1990, pp. 409-420

In Mr. Chipoco's opinion, the situation in Peru clearly reveals the limitations of IHL, in particular the lack of an international court empowered to pronounce judgment on violations of IHL. One of the ways in which he feels an international court might be able to comment on the application of IHL in Peru would be to request an advisory opinion, in particular from the Inter-American Commission on Human Rights. On the other hand, the author makes no mention of the International Fact-Finding Commission which, at its first meeting, made known its availability to examine cases of internal conflict as well.

The book continues with an account, on the basis of statistics and information supplied by various institutions and organizations, of violations committed both by the Peruvian armed forces and by the rebel movements, in particular the *Sendero Luminoso* ('Shining Path') and the *Movimiento Revolucionario Tupac Amará* (MRTA).

Mr. Chipico endeavours to show the importance of applying IHL in Peru, pointing out that the main strength of this body of rules is its universal acceptance, which should prevent any ideological equivocation.

He ends by stressing that the application and dissemination of IHL in Peru is a real challenge and quotes examples where ignorance of IHL by the parties concerned has even worked to their own disadvantage.

Anne Ryniker

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HANS HAUG

In cooperation with
Hans-Peter Gasser, Françoise Perret
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HUMANITY FOR ALL

**The International Red Cross
and Red Crescent Movement**

With forewords by
Cornelio Sommaruga and
Mario Villarroel Lander

The forthcoming book sets out to give an accurate and suitably documented account of the International Red Cross and Red Crescent Movement. Unlike most of the works already published on the subject, which are mainly devoted to specific aspects of the Movement, the intention here is to present it in its entirety. The instruments of international humanitarian law, initiated and promoted by the ICRC, are also extensively discussed.

The author, *Hans Haug*, was a professor of public law, in particular public international law, at the St. Gallen University for Economics, Law and Social Sciences between 1967 and 1986, President of the Swiss Red Cross and Vice-President of the International Federation of Red Cross and Red Crescent Societies between 1968 and 1982 and a member of the International Committee of the Red Cross between 1983 and 1991. He begins by examining the various components of the Movement (the International Committee of the Red Cross, the National Red Cross and Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies), the seven Fundamental Principles of the International Red Cross and Red Crescent Movement, and international humanitarian law. Other subjects covered are the Red Cross and Red Crescent as a factor of peace, the cooperation of the components of the Movement with other national and international organizations, and the Red Cross and Red Crescent Movement and human rights.

This book is published by the Henry Dunant Institute, Geneva, and Paul Haupt Publishers, Bern/Stuttgart/Vienna. It appeared in *German* in 1991 and in *French* in 1992 (see review by Anton Schlögel in *IRRC*, No. 287, March-April 1992, pp. 202-205).

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REVIEW**

**THE STATUTORY MEETINGS OF
THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT**

(Birmingham, October 1993)

Resolutions of the Council of Delegates

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THE DECLARATION OF ST. PETERSBURG
OF 1868**

*Guiding Principles on the Right
to Humanitarian Assistance*